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भारत का राजपत्र
The Gazette of India

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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No. 8] NEW DELHI, SATURDAY, FEBRUARY 25, 1967/PHALGUNA 6, 1888

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 14 फरवरी, 1967 तक प्रकाशित किए गये।

The undermentioned Gazettes of India Extraordinary were published up to the 14th February, 1967:—

Issue No.	No. and Date	Issued by	Subject
72	S.O. 512, dated 6th February, 1967.	Election Commission, India.	Corrections in the Delimitation Commission's Order No. 13, dated 23rd November, 1966, relating to the State of Punjab (Order No. 13A).
73	S.O. 513, dated 7th February, 1967.	Do.	Further amendments in notification No. 56/66 (S.O. 3667), dated 1st December, 1966.
74	S.O. 514, dated 8th February, 1967.	Ministry of Finance	Amendments to the Annuity Deposit Scheme, 1964.
75	S.O. 515, dated 9th February, 1967.	Ministry of Commerce.	Declaring "Tractors" as an essential commodity.
76	S.O. 516, dated 10th February, 1967.	Ministry of Information and Broadcasting.	Approval of the film as specified therein.

Issue No.	No. and Date	Issued by	Subject
77	S.O. 517, dated 10th February, 1967.	Ministry of Law	Declarations containing the names of the candidates elected in the parliamentary constituencies referred to therein.
78	S.O. 518, dated 11th February, 1967	Election Commission, India.	List of Contesting Candidates for election to the House of the People.
79	S.O. 519, dated 13th February, 1967.	Do.	Appointing some Assistant Returning Officers to assist the Returning Officers for the Parliamentary Constituencies in the State of Uttar Pradesh.
80	S.O. 520, dated 13th February, 1967.	Do.	Appointing some officers to assist the Returning Officer for Mahasu Parliamentary Constituency.
81	S.O. 521, dated 13th February, 1967.	Ministry of Finance	Constitution of three new Financial Corporations for the State of Haryana, for the union territory of Himachal Pradesh and for the union territories of Delhi and Chandigarh.
82	S.O. 522, dated 13th February, 1967.	Election Commission, India.	Appointing the Block Development Officers, Tangoara and Kralpora as Assistant Returning Officers for the Baramulla Parliamentary Constituency.
83	S.O. 523, dated 13th February, 1967.	Ministry of Home Affairs.	Further amendments in Notification No. S.R.O. 2717, dated 23rd August, 1957.
	S.O. 524, dated 13th February, 1967.	Do.	Regarding Inter-State Trade or Commerce by any registered dealer.
84	S.O. 593, dated 14th February, 1967.	Election Commission, India.	Amendments in the notification No. 434/BR/66, dated 17th August, 1966.
85	S.O. 594, dated 14th February, 1967.	Do.	Amendments in notification No. 434/MP/66, dated 29th August, 1966.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिएं।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 15th February 1967

S.O. 613.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, the Election Commission hereby directs that the following amendments shall be made in its notification No. 434/GJ/66, dated the 11th November, 1966, namely:—

In the table appended to the said notification the following amendments shall be made:—

(1) In column 3 against item 13, the entry, "8. Supernumary Assistant Collector, Ranaskantha", shall be added.

[No. 434/GJ/66.]

By order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 18th February 1967

S.O. 614.—In exercise of the powers conferred by section 3 of the Commissions of Inquiry Act, 1952 (60 of 1952), the Central Government hereby makes the following further amendment to the notification of the Government of India in the Ministry of Home Affairs No. S.O. 1104, dated the 29th March, 1965, namely:—

In the said notification, in paragraph 4, for the figures, letters and word "31st December, 1966", the figures, letters and word "31st March, 1967" shall be and shall be deemed always to have been, substituted.

[No. 1/3/65-Delhi.]

By Order in the Name of The President of India.

HARI SHARMA, Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 17th February 1967

S.O 615—Statement of the Affairs of the Reserve Bank of India as on the 10th February, 1967

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid up	5,00,00,000	Notes	17,65,73,000
		Rupee Coin	4,82,000
Reserve Fund	80,00,00,000	Small Coin	3,15,000
National Agricultural Credit (Long Term Operations) Fund	115,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	235,50,09,000
National Agricultural Credit (Stabilisation) Fund	16,00,00,000	Balances Held Abroad*	7,60,78,000
National Industrial Credit (Long Term Operations) Fund	20,00,00,000	Investments**	167,85,47,000
		Loans and Advances to —	
		(i) Central Government	..
		(ii) State Governments @	75,82,39,000

Deposits :—		**Loans and Advances to :—**	
		(*i*) Scheduled Commercial Banks†	69,09,90,000
(*a*) Government—		(*ii*) State Co-operative Banks††	166,30,89,000
		(*iii*) Others	1,98,45,000
(*i*) Central Government . . .	54,56,58,000	Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(*ii*) State Governments . . .	17,37,73,000	(*a*) Loans and Advances to :—	
		(*i*) State Governments	28,73,43,000
		(*ii*) State Co-operative Banks	12,77,54,000
		(*iii*) Central Land Mortgage Banks . . .	..
(*b*) Banks—		(*b*) Investment in Central Land Mortgage Bank Debentures	7,11,93,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(*i*) Scheduled Commercial Banks .	116,50,27,000		
(*ii*) Scheduled State Co-operative Banks	4,58,73,000	Loans and Advances to State Co-operative Banks	3,55 51,000
(*iii*) Non-Scheduled State Co-operative Banks	58,37,000		
(*iv*) Other Banks	5,79,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(*c*) Others	268,93,21,000	(*a*) Loans and Advances to the Development Bank .	4,93,84,000
		(*b*) Investment in bonds/debentures issued by the Development Bank	..
Bills Payable	35,97,14,000		
Other Liabilities	98,64,31,000	Other Assets	34,18,21,000
Rupees .	833,22,13,000	Rupees .	833,22,13,000

*Includes Cash and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 29,45,00,000 advanced to Scheduled Commercial Banks against usance bills under Section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 15th day of February, 1967.

An account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 10th day of February, 1967

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
			Gold Coin and Bullion :—		
Notes held in the Banking Department	17,65,73,000		(a) Held in India	115,89,25,000	
Notes in Circulation	3014,18,52,000		(b) Held outside India	..	
Total Notes issued		3031,84,25,000	Foreign Securities	186,42,01,000	
			TOTAL		302,31,26,000
			Rupee Coin		79,61,40,000
			Government of India Rupee Securities		2649,91,59,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		3031,84,25,000	TOTAL ASSETS		3031,84,25,000

Dated the 15th day of February 1967.

P. C. BHATTACHARYYA,
Governor.

[No. F. 3(3)-BC/67]

V. SWAMINATHAN, Under Secy.

CORRIGENDUM

In the Statement of Affairs of the Reserve Bank of India, Banking Department, as on 13th January, 1967, published on pages 221 and 222, Part II, Section 3(ii) of the Gazette of India dated 28th January, 1967, the date of the Statement as appearing in the heading *viz.*, 'Statement of Affairs of the Reserve Bank of India as on the 13th January, 1966' should be *read* as 13th January, 1967, instead of 13th January, 1966, shown therein'.

(Department of Revenue and Insurance)

New Delhi, the 16th February 1967

S.O. 616.—In exercise of the powers conferred by section 17(1) of the Life Insurance Corporation Act, 1956 (31 of 1956), the Central Government hereby appoints Shri G. H. Rajadhyakshah, Chief Vigilance Officer, Department of Atomic Energy as Member, Life Insurance Tribunal *vice* Shri K. V. Bhandarkar resigned.

[No. 9(9)-Ins. II/66.]

RAJ K. NIGAM, Dy. Secy.

COLLECTORATE OF CUSTOMS & CENTRAL EXCISE, COCHIN

CENTRAL EXCISES

Cochin, the 19th January 1967

S.O. 617.—In pursuance of Rules 197 and 199 of the Central Excise Rules, 1944, I hereby authorise and empower all officers of and above the rank of Sub-Inspectors of Central Excise to exercise within their respective jurisdiction the powers specified in the aforesaid Rules.

[No. 1/67.]

S. O. 618.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower all the Superintendents of Central Excise in Cochin Collectorate to grant refund of duty etc. in the following cases.

Sl. No.	Nature of refund	Monetary limits, if any
(1)	(2)	(3)
1	Refund of licence fee on rejected applications	Nil
2	Refund on unsused or damaged Central Excise Labels and unused Central Excise Revenue stamps.	Nil
3	Refund of excess licence fee paid	Nil

[No. 2/6

S.O. 619.—In exercise of the powers conferred on me by rule 5 of the Central Excise Rules, 1944, and in supersession of the Central Excise Notifications No. Nil dated 9-8-1961, No. Nil dated 22-12-1962, No. 3/64 dated 29-12-1964 and 4/66 dated 4-10-1966 issued from this Collectorate, I hereby, empower the Central Excise Officers specified in Col. 3 of the Table hereto annexed to exercise within respective jurisdiction the power of a Collector under the provisions of the said Rules shown against each Officer in column 2 of the Table, subject to the restrictions and limitations set out in Col. 4 thereof.

TABLE

1	2	3	4	5
Sl. No.	Central Excise Rule No.	Collector's powers delegated to officers not below the rank of.	Restrictions and limitations if any.	Remarks
1	3	Superintendent . .	. .	
2	9	Asstt. Collector/ Superintendent.	Subject to certain conditions which the Central Board of Excise & Customs and Collector may impose. In so far as Superintendent is concerned power is limited	

1	2	3	4	5
			for according permission to open an account current in respect of VNE Oils manufacturers subject to the condition that account current may be maintained in the name of the Collector.	
3	9-B(2)&(3)	Superintendent .	..	
4	(*a*)12(Proviso)	Asstt.. Collector/ Supdt. Spl. Export Claims, Cochin.		
	(*b*) Provisos (III) and (vii) to Note 1 below Rule 12	Superintendent .	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	
	(*c*) Proviso (v) to note 1 below Rule 12	Asstt. Collector/ Superintendent Spl. export Claims Cochin.	..	
5	(*a*) Sub-Rules (3)(6) and (7) of Rule 12A	Assistant Collector .	..	
	(*b*) Proviso (2) and paras 3(b) and 4 of Appendix to Govt. of India MF.(DR) Notification No. 62/58-CE dt. 21-6-58 (Note to Rule 12A)	Assistant Collector .	..	
	(*c*) Proviso to para 5 of Appendix to Govt. of India, M.F. (DR) Notn. No. 62/58-CE dated 21-6-58 (i.e. Note to Rule 12A)	Assistant Collector	Powers to condone delays in presentation of rebate claims upto a period of fifteen days after the expiry of 3 months from the date of export.	
6	(*a*) 13	Superintendent .	Power is limited to acceptance of bonds.	
	(*b*) 13	Assistant Collector/ Superintendent Spl. Export Claims, Cochin.	Power is limited to admission of proof of export and to relax the time limit for exportation and presentation of duplicate/triplicate AR4s.	
7	14	Asstt. Collector, Supdt. Spl. Export Calims, Cochin.	All powers including the relaxation of time limit for exportation and presentation of duplicate/triplicate AR4s.	
8	Rule 14A Proviso (c)	Asstt. Collector .	In any individual case where the duty involved does not exceed Rs. 250/- (Rupees two hundred and fifty only).	
9	(*a*) 27(1)	Inspector . .	..	
	(*b*) 27(4)	Asstt. Collector .	In any individual case, where the duty involved does not exceed Rs. 250/- (Rupees two hundred and fifty only).	
10	38	Superintendent .	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	

1	2	3	4	5
11	43	Licensing Authority	Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.	
12	44	Licensing Authority	Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.	
13	46	Licensing Authority	Subject to the conditions which the Central Board of Excise & Customs, or the Collector may impose.	
14	(a) 47(1)	Superintendent .	..	
	(b) 47(3)	Licensing Authority	Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.	
15	48	Licensing Authority	Subject to the conditions which the Central Board of Excise & Customs or the Collector may impose.	
16	51	Asstt. Collector .	..	
17	52	Licensing Authority	Subject to the conditions which the Central Board of Excise and Customs or the collector may impose.	
18	56-A(2)	Asstt. Collector .	..	
19	57(d)	Licensing Authority	Subject to the conditions the Central Board of Excise and Customs or the Collector may impose.	
20	65(3)&(4)	Asstt. Collector .	..	
21	71(3)	Superintendents .	..	
22	75	Asstt. Collector .	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	
23	(a) 92A(1)	Superintendent .	To accept first ASP application for full period for which special procedure can be availed of.	
	(b) 92A(2)	Superintendent .	To accept first ASP application for a period less than the prescribed period.	
	(c) 92A(3)	Asstt. Collector .	To determine the period for which a manufacturer may be precluded from working under the spl. procedure for failure to avail of such procedure during the period for which permission has been granted to him.	

1	2	3	4	5
	(*d*) 92A(4)	Superintendent/ Asstt. Collector	*Superintendent*: To accept renewal application in form ASP and to condone delay in submission of ASP application for renewal in the case of delays not exceeding 15 days. *Asstt. Collector*: To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days.	
24	92B(3)	Superintendent	To sanction refund of initial deposit paid under compounded levy scheme upto Rs. 500/- (Rs. Five hundred only).	
25	92C(2)	Superintendent/ Asstt. Collector	*Superintendent*: To condone delays in submisision of application for removal in form AR6, AR7 and AR8, and to condone delays in making weekly, Monthly, quarterly and Annual deposits. (*i*) To condon delay not exceeding (i) Two days in the case of weekly, applications and weekly deposits (ii) Five days in the case of monthly/quarterly applications and monthly and quarterly deposits and (iii) Ten days in the case of annual applications and annual deposits. *Assistant Collector*: To condone the delays exceeding the limit of the Superintendent.	
26	(*a*) 92-E(i)	Officers competent to adjudicate an offence under the Central Excise and Salt Act, 1944 and C.E. Rules 44.	To demand duty at full rate.	
	(*b*) 92-E(ii)	Do.	To confiscate goods.	
	(*c*) 92-E(iv)	Do.	To impose penalty not exceeding Rs. 2000/- (Rupees Two thousand only)	
	(*d*) 92-E(iii)	Asstt. Collector	To debar a manufacturer from availing of special procedure.	
27	93(b)	Asstt. Collector	The face of approval to be reported to the Collector.	
28	(*a*) 96I(1)	Superintendent	To accept first ASP application for full period for which special procedure can be availed of.	
	(*b*) 96I(2)	Asstt. Collector	To accept first ASP application for a period less than the prescribed period.	

1	2	3	4	5
	(c) 96I(3)	Asstt. Collector	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.	
	(d) 96I(4)	Asstt. Collector/ Superintendent	*Asstt. Collector*: To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days. *Superintendent*: (a) To accept renewal applications in form ASP and (b) to condone delay in submission of ASP application for renewal in the case of delay not exceeding 15 days.	
29	96I(2)	Asstt. Collector/ Supdt.	*Asstt. Collector* : To condone delays exceeding the limits of Superintendents. *Superintendent :* To condone delay in submission of application for removal in form AR6, AR7, and AR8 and to condone delays in making weekly/monthly/quarterly/annual/deposits. (a) Provided that the Superintendent may condone the delay :— (i) two days in the case of weekly application and weekly deposits. (ii) five days in the case of monthly/quarterly deposits and (iii) ten days in the case of annual deposits .	
30	(a) 96M (i)	Officers competent to adjudicate an offence under the Central Excises and Salt Act 1944 and Central Excise Rules, 1944.	To demand duty at full rate.	
	(b) 96M (ii)	Do.	To confiscate goods,	
	(c) 96 M (iii)	Do.	To impose penalty not exceeding Rs. 2000 (Rs. two thousand only).	
31	96MM	Superintendent	Refund of initial deposit paid under compounded levy scheme upto Rs. 500 (Rupees five hundred only).	
32	(a) 96—O (1)	Superintendent	To accept first ASP application for full period for which special procedure can be availed of.	

1	2	3	4	5
	(*b*) 96—O (2) . .	Superintendent	To accept first ASP application for a period less than the prescribed period.	
	(*c*) 96—O (3) . .	Asstt. Collector	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to avail of such procedure during the period for which permission has been granted to him.	
	(*d*) 96—O (4) . .	Asstt. Collector/ Superintendent	*Asstt. Collector :* To condone delay in submission of ASP application for renewal in cases of delays exceeding 15 days. *Superintendent :* (a) To accept renewal application in form ASP and (b) to condone delay in submission of ASP application for renewal in the case of delay not exceeding 15 days.	
33	96P . . .	Superintendent .	Refund of initial deposit paid under compounded levy scheme upto Rs. 500 (Rs. five hundred only).	
34	96Q (2) . . .	Asstt. Collector/ Superintendent.	*Asstt. Collector :* To condone the delays exceeding the limit of the Superintendent. *Superintendent :* To condone delay in submission of application for removal in forms AR6, AR7 and AR8 and to condone delays in making weekly/monthly/quarterly/annual deposits (a) Provided that the Supdt. may condone delay:— (1) not exceeding two days in the case of weekly deposits. (2) five days in the case of monthly/quarterly/applications and monthly/quarterly deposits and (3) ten cays in the case of annual applications and annual deposits.	
35	(*a*) 96S (i) . . .	Officers competent to adjudicate an offence under the Central Excises & Salt Act 1944 and Central Excise Rules 1944.	To demand duty at full rate	
	(*b*) 96S (ii) . .	Do.	To confiscate goods.	
	(*c*) 96S (iv) . .	Do.	To impose penalty not exceeding Rs. 2000 (Rupees two thousand only).	

1	2	3	4	5
	(d) 96S . .	(iii) Assistant Collector.	To debar a manufacturer from availing of special procedure.	
36	(a) 96—V(1) . .	Superintendent .	To accept ASP application for the full petiod of 6 months.	
	(b) 96—V(2) .	Asstt. Collector .	To accept ASP application for a shorter period.	
	(c) 96—V(3) . .	Asstt. Collector .	To preclude to manufacturer from availing of the special procedure for a period of six months.	
37	(a) 96Y(1) . .	Superintendent .	To accept first ASP application for full period for which special procedure can be availed of.	
	(b) 96Y(2) . .	Superintendent .	To accept first ASP application for a period less than the prescribed period.	
	(c) 96Y(3) . .	Asstt. Collector .	To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him.	
	(d) 96Y(4) . .	Asstt. Collector/ Supdt.	*Asstt. Collector :* To condone delays exceeding 15 days. *Superintendent :* (a) To accept renewal applications in form ASP(b) To condone delay in submission of ASP application for renewal not exceeding 15 days.	
38	96Z(2) . . .	Asstt. Collector/ Supdt.	*Supdt. :* To condone delay in submission of application for removal in form AR6 and to condone delays in making monthly deposits, provided the delay is not exceeding five days. *Asstt. Collector :* To condone delay in excess of Superintendents limits.	
39	(a) 96ZZZ .	(i) Officers competent to adjudicate an offence under the Central Excise and Salt Act, 1944 and Central Excise Rules 1944.	To impose the following penalty for misdeclaration etc. To demand duty at full rate.	
	(b) 96ZZZ . .	(ii) Do.	To confiscate goods.	
	(c) 96ZZZ . .	(iv) Officers competent to adjudicate an offence under the Central Excises and Salt Act, 1944 and Central Excise Rules, 1944.	To impose penalty not exceeding Rs. 2000 (Rupees two thousand only).	

1	2	3	4	5
	(d) 96ZZZ . .	(iii) Asstt. Collector	To debar a manufacturer from availing of special procedure.	
40	97 . . .	Asstt. Collector	..	
41	100 . . .	Asstt. Collector	..	
42	140 . . .	Superintendent .	To be exercised in respect of private bounded warehouses only.	
43	(a) 145 clause (a) of the first proviso.	Superintendent	To grant extension of warehousing for a period not exceeding one year as per clause a) of first proviso to Rules 145.	
	(b) 145 clause (b) of the first proviso.	Asstt. Collector .	To grant extension of warehousing for a further period not exceeding one year in addition to the extension granted under clause (a) of the first proviso.	
44	147 . . .	Asstt. Collector .	Where the duty involved in each individual case does not exceed Rs. 250 (Rupees two hundred and fifty only).	
45	153 . . .	Inspector . .	..	
46	154 . . .	Superintendent	..	
47	155 . . .	Officers who originally accept a bond under Rules 140 and 164.	The power shall not be exercised in the case of bonds executed by the keeper of a public bonded warehouse under Rule 140.	
48	165(2) . . .	Superintendent .	..	
49	174 . . .	Asstt. Collector .	To refuse grant of Central Excise licence in the case of powerlooms only.	
50	180 . . .	Licensing Authority	Subject to certain conditions which the Central Board of Excise & Customs or the Collector may impose.	
51	185(1) . . .	Asstt. Collector .	..	
52	189 . . .	Asstt. Collector	..	
53	189A . . .	Superintendent Spl. Export Claims, Cochin.	..	
54	189-B . . .	Supdt. Spl. Export Claims, Cochin.	..	
55	191-A . . .	Asstt. Collector .	All powers except the power in regard to the approval of formula of manufacture.	
56	(a) 191-B and Note thereunder.	Asstt. Collector	All powers except the power in regard to the approval of formula of manufacture.	

1	2	3	4	5
	(b) Note to Rule 191-B.	Superintendent	Powers of Collector in para 4 of Govt. of India, Ministry of Finance (Deptt. of Rev.) Notification No. 53/59 dated 9-5-59 and to carry out the requirements of para 5 of the said order.	
57	192	Asstt. Collector	All powers except in regard to fixing the cost of supervisory staff.	
58	193	Assistant Collector	..	
59	200	All Officers	*Class IV Officers* : Powers under rule 200 shall not be exercised by an officer below the rank of a sub Inspector, in respect of manufactured products unless he is posted to a factory manufacturing such products and except within the premises and in the immediate neighbourhood of such factory.	
60	206(3)	Officers competent to adjudicate an offence under the Central Excises and Salt Act 1944 and Central Excises Rules '44.	Bond in form B.11(Sec.) may be accepted by the Superintendent concerned.	
61	210-A	Assistant Collector/ Superintendent.	*Assistant Collector*: Where the value of the goods does not exceed Rs. 5000 (Rupees five thousand only) and the amount of composition fee that can be accepted does not exceed Rs. 750 (Rupees Seven hundred and fifty only). *Superintendent* Where the value of the goods does not exceed Rs. 1000 (Rupees one thousand only) and the amount of composition fee that can be accepted does not exceed Rs. 250 (Rupees two hundred and fifty only).	
62	212	Superintendent	*Superintendent*: Destruction of confiscated tobacco not exceeding 93 Quintals in each case, which due to its deteriorated condition fails to attract bidders to purchase it either on payment of duty or for re-warehousing.	
63	212-A	Asstt. Collector/ Superintendent.	*Asstt. Collector* Powers to be exercised only in respect of goods adjudged to be confiscated by Assistant Collector. *Superintendent* Powers to be exercised only in respect of goods adjudged to be confiscated by the Superintendent.	

1	2	3	4	5
64	223A . . .	Asstt. Collector .	..	
65	224(1) . . .	Superintendent	..	
66	230 . . .	Asstt. Collector .	Subject to certain conditions which the Board or the Collector may impose.	

N. B.—In so far as the delegating of powers made to Superintendent Spl. Export Claims Cochin is concerned, he should exercise only powers relating to cases covering exports of goods through Cochin Port.

[No. 3/67]

D. N. KOHLI, Collector.

MINISTRY OF COMMERCE

New Delhi, the 13th February 1967

S.O. 620.—In exercise of the powers conferred by the second proviso to sub-section (1) of section 25 of the Coffee Act, 1942 (7 of 1942), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Commerce and Industry No. SRO 83 dated the 10th January, 1956, namely:—

In the said notification, item 5 and the entry relating thereto shall be omitted.

[No. 26(2)Plant(B)64.]

B. KRISHNAMURTHY, Under Secy.

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 10th January 1967

S.O. 621.—In exercise of the powers conferred by Clause 9 of the Import Control Order, 1955, dated 7th December, 1955, as amended, the undersigned hereby cancels the Exchange Control Purposes copy of Import Licence No. 219377/RA/60/CCI/HEP/CGII, dated 19th March, 1963, for Rs. 42,00,000 (Rupees forty two lakhs only) issued to the Chief Engineer, Electrical and Mechanical Departments, Government of Jammu and Kashmir, Srinagar. The Licence in question was not registered with any customs House and was partly utilised to the extent of Rs. 11,38,500 (Rupees eleven lakhs thirty eight thousand and five hundred only) for making advance payments.

The reason for the cancellation is that the exchange control purposes copy of the licence has been lost/misplaced by the licensee who has requested for the issue of a duplicate licence in lieu thereof.

To

The Chief Electrical Engineer,
Jammu & Kashmir Government,
Jammu Tawai.

[No. CGII/HEP/J-12/62-63/1257.]

Y. J. DENNISON.
Dy. Chief Controller of Imports and Exports.

MINISTRY OF INDUSTRY

New Delhi, the 17th February 1967

S.O. 622/IDRA/29B/67/1.—In exercise of the powers conferred by sub-section (1) of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby exempts from the operation of sections 10, 11, 11A and 13 of the said Act and the rules made thereunder, all industrial undertakings engaged in the manufacture or production of "fabricated steel structures" falling under entry "(7) Other products of iron and steel" under the

heading "1. Metallurgical Industries: A. Ferrous" in the First Schedule to that Act.

[No. 2(12)-Lic. Pol. 65.]

S.O. 623.—IDRA/29B/67/2.—In exercise of the powers conferred by sub-sections (1) and (2) of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby cancels the notification of the Government of India in the Ministry of Industry No. S.O./1467/IDRA/29B/66, dated the 13th May, 1966, in so far as it relates to the grant of exemption to industrial undertakings engaged in the manufacture or production of iron and steel structurals falling under entry "(4)—Iron and steel structurals" under the heading "1. Metallurgical Industries: A. Ferrous" in the First Schedule to the said Act, and specifies a period of three months from the date of publication of this notification as the period after the expiry of which no owner of any of such industrial undertakings shall carry on the business of the undertaking except under and in accordance with a licence issued in this behalf by the Central Government and, in the case of a State Government, except under and in accordance with the previous permission of the Central Government.

[No. 2(12)-Lic. Pol. 65.]

R. C. SETHI, Under Secy.

(Indian Standards Institution)

New Delhi, the 9th February 1967

S.O.—624 In pursuance of sub-regulation (1) of Regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended the Indian Standards Institution hereby notifies that six licences, particulars of which are given in the Schedule hereto annexed, have been granted authorising the licenses to use the Standard Mark.

THE SCHEDULE

Serial No.	Licence No. & Date	Period of validity		Name and address of the licensee	Article/Process covered by the Licence	Relevant Indian Standard
		From	To			
1	2	3	4	5	6	7
1	CM/L-1386, 2-1-1967	1-1-67	31-12-67	M/s. Burn and Co. Ltd., Howrah Iron Works, Nityadhan Mukherjee Road, Howrah having their Regd. Office at 12 Mission Row, Calcutta-1.	Sluice valves for water works purposes.	IS : 780-1963 Specification for sluice valves up to 300 mm size for water works puposes (inside screw non-rising spindle type). (*Revised*).
2	CM/L-1387, 9-1-1967	1-2-67	31-1-68	M/s. Cycle Industries (an undertaking of M.P. Laghu Udyog Nigam Ltd., Indore), A.B. Road, Guna (M.P.).	Bicycle front forks	IS : 2061-1962 Specification for bicycle front forks.
3	CM/L-1388, 11-1-1967	16-1-67	15-1-68	M/s. J.K. Steel Ltd., Rishra Distt. Hooghly having their Office at 18 Rabindra Sarani, Calcutta-1.	Steel wire for the core of steel cored aluminium conductors for overhead power transmission purposes.	IS : 398-1961 Specification for hard-drawn stranded aluminium and steel-cored aluminium conductors for overhead power transmission purposes.
4	CM/L-1389, 13-1-1967	16-1-67	15-1-68	M/s. Amar Dye-Chem. Ltd., Shahad, Near Kalyan (C.R.) Thana Distt., Maharashtra having their Office at Rang Udyan, Sitladevi Temple Road, Mahim, Bombay-16.	Boxynaphthoic acid. (BON Acid)	IS : 3242-1965 Specification for B-oxynaphthoic acid (BON acid)

5	CM/L-1390, 25-1-1967	1-2-67	31-1-68	M/s. Indian Traders Pvt. Ltd., Najafgarh Road, New Delhi-15.	PVC insulated cable with aluminium conductors. (i) Single core (unsheathed) 250/440 volts Grade. (ii) Single core(PVC sheathed) 650/1100 volts grade.	IS:694(Part II)-1064 Specification for PVC insulated cable for voltages upto 1100 volts with aluminium conductors. (*Revised*).
6	CM/L-1391 30-1-1967	1-2-67	31-1-68	M/s. R.M. Chatterjee & Sons Pvt. Ltd., P-56 Benaras Road, Belgachia, P.O. Dasnagar, Howrah.	Cast Iron flushing cistern (15-litre capacity, high level, Bell type).	IS : 774-1964 Specification for flushing cisterns for water closets and urinals valveless siphonic type).

[No. MD/33:16.]

S.O. 625.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that Certification Marks Licences No. CM/L-1221 and CM/L-1222 particulars of which are given in the Schedule hereto annexed, have been cancelled with effect from 1 December 1966.

THE SCHEDULE

Sl. No.	Licence No. and date	Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)
1	CM/L-1221 8-3-1960	M/s. Jayshree Plywoods, Nanda Bose Road, Khardah (24 Parganas), having their Office at India Exchange, Calcutta-1.	Blockboards	IS: 1659-1960 Specification for Blockboards
2	CM/L-1222 8-3-1960	Do.	Wooden Flush Door Shutters (Solid Core Type)	IS: 2202-1962 Specification for Wooden Flush Door Shutters (Solid Core Type)

[No. MD/55:1221.]

S.O. 626.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that Certification Marks Licence No. CM/L-485, particulars of which are given in the Schedule hereto annexed, has been cancelled with effect from 1 January 1967.

THE SCHEDULE

Sl. No.	Licence No. and date	Name and Address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
(1)	(2)	(3)	(4)	(5)
1	CM/L-485 20-12-1962	M/s. Glenfield & Kennedy Ltd., 4 Fairlie Place, Fairlie House, Calcutta-1.	Sluice Valves for Water Works Purposes	IS: 780-1963 Specification for Sluice Valves up to 300 mm Size for Water Works Purposes (Inside Screen Non-Rising Spindle Type) (*Revised*).

[No. MD/55:485.]

New Delhi, the 10th February 1967

S.O. 627.—In partial modification of the then Ministry of Industry and Supply (Indian Standards Institution) Notification No. S.O. 984 dated 10 March 1965 published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated 27 March 1965, the Indian Standards Institution hereby notifies that the Standard Mark for hot rolled steel strips (baling) has been revised. The revised design(s) of the Standard Mark together with the title of the relevant Indian Standard and verbal description of the design(s) are given in the Schedule hereto annexed.

These Standard Marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with immediate effect.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.	IS : 1029  SOFT	Hot rolled steel strips (baling)	IS 1029—1956 Specification for hot rolled steel strips (baling)	The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in col. (2) the number designation of the Indian Standard being superscribed on the top side and the words 'SOFT', 'MEDIUM' or 'HARD' being superscribed under the bottom side of the monogram as indicated in the three designs.
2.	IS : 1029  MEDIUM			
3.	IS : 1029  HARD			

[No. MD/17:2.]

New Delhi, the 13th February 1967

S.O. 628.—In pursuance of sub regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that Certification Marks Licence No. CM/L-1177, particulars of which are given in the schedule hereto annexed, has been cancelled with effect from 16 December, 1966:

THE SCHEDULE

Licence No. and Date	Name and address of the Licensee	Article/Process covered by the Licence	Relevant Indian Standard
CM/L-1177 13 Dec. 1965	M/s. Power Cables Private Ltd., Vithalwadi, Kalyan	Armour Wire for PVC Insulated (Heavy Duty) Electric Cables	IS: 1554 (Part I)-1964 Specification for PVC Insulated (Heavy Duty) Electric Cables for Working Voltages upto and Including 1100 Volts (*Revised*)

[No. MD/12:2044.]

S.O. 629.—The article specified in licence No. CM/L-1378 held by M/s. Premier Cable Co. Ltd., Ernakulam, details of which are given in the Notification published under S.O. 243 in the Gazette of India, Part II, Section 3(ii) dated 21 January 1967, has been revised as under with effect from 3 February 1967:

PVC Insulated (Heavy Duty) Electric Cables with Aluminium Conductors for Working Voltages up to and including 1 100 Volts.

[No. MD/12:2433-A.]

S.O. 630.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licence No. CM/L-235, particulars of which are given below, has been cancelled with effect from 1 January 1967:

Licence No. and Date	Name and Address of the licensee	Article/Process covered by the licence cancelled	Relevant Indian Standard
CM/L-235 18-10-1960	The Vegetable Soap Works, Big Bazar, Calicut-1 (Kerala State)	Toilet Soap, Type TS of the following varieties: (a) Glory (b) Kasturi (c) Sandal (d) Merolin (e) Limda (f) Indira (g) Hollywood and (h) Rose	IS: 2888—1964

[No. MD/55:236.]

New Delhi, the 14th February 1967

S.O. 631.—In pursuance of sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as subsequently amended, the Indian Standards Institution hereby notifies that Certification Marks Licences No. CM/L-1259, CM/L-1268 and CM/L-1278, particulars of which are given in the Schedule hereto annexed, have been cancelled with effect from 17 January 1967:

THE SCHEDULE

Sl. No.	Licence No. and Date	Name and Address of the Licensee	Article/Process Covered by the licence	Relevant Indian Standard
1	CM/L-1259 13-5-1966	M/s. Woodcrafts Assam, Mariani (Assam) having their Office at India Exchange, Calcutta-1.	Plywood for General Purposes	IS: 303-1960
2	CM/L-1268 27-5-1966	M/s. Woodcrafts Assam, Mariani (Assam) having their Office at India Exchange, Calcutta-1.	Wooden Flush Door Shutters (Solid Core Type)	IS: 2202-1962
3	CM/L-1278 10-6-1966	M/s. Woodcrafts Assam, Mariani (Assam) having their Office at India Exchange, Calcutta-1	Marine Plywood	IS: 710-1957

[No. MD/12:239.]

S.O. 632.—In licence No. CM/L-1367 dated 16 December 1966 held by M/s Emco General Industries, 6/1 Nawab Dilwarjung Road, Cossipore, Calcutta-2, the details of which are published under S.O. 243 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 9 January 1967, the list of articles has been revised as under with effect from 1 February 1967:

Low Density Polythene Pipes for Cold Water Services, Normal and Heavy Gauge up to 50 mm. Size; Brand 'EMCOTHENE'.

[No. MD/12:2255-A.]

S. K. SEN,
Deputy Director General.

MINISTRY OF MINES AND METALS

New Delhi, the 14th February 1967

S.O. 633.—Whereas by the notification of the Government of India in the late Ministry of Steel and Mines (Department of Mines and Metals) S.O. No. 664 dated the 17th February, 1965 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to prospect for coal in lands measuring 2120 acres (approximately) or 858.60 hectares (approximately) in the locality specified in the schedule appended to that notification and reproduced in the schedule appended hereto.

And whereas in respect of the said lands no notice under sub-section (1) of section 7 of the said Act has been given;

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7, the Central Government hereby specifies a further period of one year commencing from the 17th February, 1967 as the period within which the Central Government may give notice of its intention to acquire the whole or any part of the said lands or of any rights in or over such lands.

SCHEDULE

Drg. No. Rev./39/64
Dated 26-5-64.

(Showing lands notifield for prospecting)

MAHAL BLOCK
(Jharia Coalfield)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Karadi	Chas	214	Dhanbad		Full
2	Kendulia	,,	215	,,		Part
3.	Mahal	,,	225	,,		Part
4.	Naradi	,,	226	,,		Full
5.	Shibbabbudi	,,	227	,,		Part
6.	Kulshara	,,	228	,,		Full
7.	Sitanala	,,	229	,,		Part
8.	Banshara	,,	233	,,		Part
9.	Tilatanr	,,	216	,,		Part
				TOTAL area	2120·00 acres (approximately) or 858·60 hectares (approximately).	

BOUNDARY DESCRIPTION:—

A—B Line passes along with common boundary or villages Amlabad and Mahal, Amlabad & Karadi, Part common boundary of Amlabad and Kendulia and meets at point 'B'.

B—C line passes through villages Kendulia, Tilatanr and Mahal (which is part common boundary of Parbatpur Block notified u/s 4(1) of Coal Act vide S.O. No. 42 dated 28th December, 1963) and meets at point 'C'.

C—D line passes through village Mahal and meets at points 'D'.

D—E line passes along the common boundary of villages Mahal and Manpur, Naradi and Manpur, Banshara and Manpur, Banshara and Chakparbad, part common boundary of villages Banshara and Pathargarha meets at point 'E'.

E—F line passes through villages Banshara, Sitanala, Shibbabudi and along with part common boundary of villages Shibbabudi and Sitanala and meets at point 'F'.

F—A line passes along with part right bank of Damodar River which is part common boundary of Thana Chas and Thana Jharia and meets at point 'A'.

[No. C2-20(23)/64.]

C. K. JOSEPH, Under Secy.

ERRATUM

New Delhi, the 18th February 1967

S.O. 634.—In the notification of the Government of India, in the Ministry of Mines and Metals No. S.O. 3998 dated the 21st December, 1966 published at pages 3636 to 3645 of the Gazette of India Part II, Section 3, sub-section (ii) dated the 31st December, 1966 Pausa 10, 1888:

1. *at page* 3636:
   Omit lines 21 and 22 from the bottom;

2. *at page* 3637:
   (i) In the fourth line from the bottom *for* "387(p)" *read* "387";
   (ii) In the second line from the bottom *for* "1259(P)" *read* "1259";

3. *at page* 3638:
   (i) In line 5, *for* "258(P) *read* "258";
   (ii) In line 9, *for* "1071" *read* "1071(P)";
   (iii) In line 22, *for* "145" *read* "1,45,1";
   (iv) In line 27, after "plot", *insert* "numbers";
   In the tenth line from the bottom *for* "110" *read* "110(P)";
   (vi) In the last line, *for* "2106(P) *read* "1206(P)";

4. *at page* 3639:
   (i) In line 10, *for* "mee" *read* "meet";
   (ii) In line 31, *after* "Sub-Block 'J' " *insert* ")";
   (iii) In line 34, *after* "Sub-Block 'J' " *insert* ")";
   (iv) In the fifth line from the bottom *for* "plot numbers to be acquired" *read* "plot numbers acquired";
   (v) In the third line from the botton, *omit* ")" *after* "1014";

5. *at page* 3640:
   (i) In line 25, *for* "illages, *read* "villages";
   (ii) In line 26, *for* "Dhaiwaiya" *read* "Dhawaiya";
   (iii) In the third line from the bottom *for* "Kin" *read* "in";

6. *at page* 3641:
   (i) In line 17, *for* "Goya Garh" *read* "Goyagarah";

7. *at page* 3642:
   (i) In line 7, *for* "S-R lines" *read* "S-R-Q lines";
   (ii) In line 8, *for* "Voillage" *read* "Village";
   (iii) In line 16, *for* "Sub-Block G" *read* "Sub-Block-J";
   (iv) In the Sixth line from the bottom *for* "4246" *read* "1246";

8. *at page* 3642:

(i) In line 19, *for* "Sub-Block "F" *read* "Sub-Block "J";

(ii) In line 35, *for* "Semaroera" *read* "Semarbera";

(iii) In the fourth line from the bottom for "Bhawaiya" *read* "Dhawaiya";

9. *at page* 3644:

In line 6, *for* "hrough" *read* "through";

10. *at page* 3645:

(i) In line 6, *for* "3580" *read* "3850";

(ii) In line 10, *for* "G-H-I lines" *read* "G-H-I-J lines".

[No. C2-20(6)/63.]

RAM SAHAY, Dy. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Agriculture)

New Delhi, the 13th February 1967

S.O. 635.—In pursuance of sub-section (1) of section 7 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), and in supersession of the notification of the Government of India in the Ministry of Food and Agriculture (Department of Agriculture) No. S.O. 342, dated 31st January, 1963, the Central Government hereby appoints the Under Secretary in charge of Livestock Development in the Ministry of Food, Agriculture, Community Development and Cooperation (Department of Agriculture), to be the Secretary of the Animal Welfare Board, *ex officio*.

[No. 4-1/67-LEI.]

B. R. KAPOOR, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

New Delhi, the 13th February 1967

S.O. 636.—The following draft of rules further to amend the Indian Port Health Rules, 1955, published with the notification of the Government of India in the late Ministry of Health, No. S.R.O. 587, dated the 27th February, 1956, which the Central Government proposes to make, in exercise of the powers conferred by clause (P) of sub-section (1) of section 6 of the Indian Ports Act, 1908 (15 of 1908) is hereby published, as required by sub-section (2) of section 6 of the said Act, for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 1st June, 1967.

2. Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified, will be considered by the Central Government.

Draft Amendment

1. These Rules may be called the Indian Port Health (Amendment) Rules, 1967.

2. In the Indian Port Health Rules, 1955—

(i) in sub-rule (2) of rule 57, in item (ii) of the Note, for the words "Visakhapatnam and Mandapam Camp/Dhanushkodi" the words "Visakhapatnam, Mandapam Camp/Dhanushkodi and Mandpam Camp/Rameswaram" shall be substituted;

(ii) in rule 67, for the words "the District Magistrate for the place of death", the words "the District Magistrate or the Deputy Commissioner or the Chief Presidency Magistrate or the Coroner within whose jurisdiction the death took place" shall be substituted.

[No. F. 33-1/64-IH.]

AMAR NATH VARMA, Under Secy.

MINISTRY OF TRANSPORT AND AVIATION

(Department of Transport and Shipping)

(Transport Wing)

New Delhi, the 18th February 1967

S.O. 637.—In exercise of the powers conferred by Section 3 of the Jayanti Shipping Company (Taking Over of Management) Act, 1966 (24 of 1966), the Central Government hereby appoints Shri M. S. Bhatnagar to be a full-time member of the Board of Control of Jayanti Shipping Company with effect from the 23rd July, 1966, *vice* Shri S. L. Bhalla, resigned, and makes the following amendments in the notification of the Government of India in the Ministry of Transport and Aviation, Department of Transport, Shipping and Tourism (Transport Wing), No. S.O. 1781, dated the 10th June, 1966, namely—

In the said notification—

(i) in paragraph 1, for the entries against serial No. 5, the following entries shall be substituted, namely:—

"5. Shri M. S. Bhatnagar, retired Deputy Auditor General".

(ii) for paragraph 2, the following paragraph shall be substituted, namely:—

"2. Shri M. S. Bhatnagar shall be a full-time member of the Board of Control".

[No. 36-MD(80)/66.]

K. RANGANATHAN, Dy. Secy.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

New Delhi, the 13th February 1967

S.O. 638.—The Central Government has accepted the resignation of Smt. Pushpalata Das from membership of the Advisory Panel of Central Board of Film Censors, Calcutta, with immediate effect.

[No. 11/3/66-FC.]

New Delhi, the 16th February 1967

S.O. 639.—In exercise of the powers conferred by Section 5(1) of the Cinematograph Act, 1952, and sub-rule (4) of rule 9 of the Cinematograph (Censorship) Rules, 1958, the Central Government hereby appoints Shrimati Mira Gupta after consultation with the Central Board of Film Censors, as a member of the Advisory Panel of the said Board at Calcutta, with immediate effect, up to 9th September, 1967, *vice* Shrimati Pushpalata Das resigned.

[No. F.11/3/66-FC.]

R. K. GOVIL, Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 20th February 1967

S.O. 640.—Notice under Section 10(1) of Delhi Development Act, 1957 (No. 61 of 1957) read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959.

Notice is hereby given that

(a) a draft of the zonal development plan for each of the following zones:—

(i) D-11 (Khan Market),
D-12 (Akbar Road Area),

(ii) D-13 (Chanakyapuri),
D-14 (Safdarjang Tomb),
D-21 (Sarojini Nagar), and

(iii) E-14 (Gonda Village area)

has been prepared; and

(b) a copy thereof will be available for inspection at the following offices between the hours of 11.00 A.M. and 3 P.M. on all working days except Saturdays, till the date mentioned in paragraph 3 hereinafter:—

(1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi;

(2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi;

(3) Office of the Muncipal Corporation of Delhi, Town Hall, Delhi-6; and

(4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.

3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indrapastha Estate, New Delhi by the 27th March, 1967.

Any person making an objection or suggestion should also give his name and address.

[No. F. 4(4)/67-MP.]

B. C. SARKAR,
Addl., Secy. Delhi Development Authority.

MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 14th February 1967

S.O. 641.—In pursuance of the provisions of regulations 23 and 24 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1119 dated the 6th April, 1963, (as amended by its notifications Nos. S.O. 2958 of the 18th August, 1964 and S.O. 252 of the 10th January, 1966) notifying the date until which the Board of Mining Examinations may grant Manager's Foreman's, Blaster's and Surveyor's Certificates referred to in the said regulations, namely:—

In the said notification, for the words and figures "30th June, 1967", the words and figures "30th June, 1968" shall be substituted.

[Amendment No. (3) 1/2/67-M. I.]

R. C. SAKSENA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 14th February 1967

S.O. 642.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to the Mercantile Bank Limited and their workmen which was received by the Central Government on the 7th February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 17 OF 1965

PARTIES:

Employers in relation to the Mercantile Bank Ltd.,

AND

Their workmen.

PRESENT:

Shri L. P. Dave.—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Shri D. Basu Thakur, Legal Adviser, Bengal Chambers of Commerce and Industry.

On behalf of Workmen.—Shri D. Singh, Vice-President Bengal Bank Employees' Federation.

STATE : West Bengal. INDUSTRY : Banking.

AWARD

The Government of India, Ministry of Labour and Employment, by their Order No. 51(60)/64-LR.IV dated 30th March, 1965, have referred the industrial dispute existing between the employers in relation to the Mercantile Bank Ltd., and their workmen in respect of the question whether the management was justified in utilising the services of Shri Indradeo Pandey, Cycle Peon, as a Coollecting Sircar from 1954 onwards without paying him the pay of the later post and if not, to what relief he is entitled, for adjudication to the tribunal.

2. When the matter came up for hearing before me yesterday, during the course of discussions, I made a suggestion that the matter may be settled between the parties. After further discussion, parties requested for time for a day to arrive at a settlement. The matter was accordingly postponed till today when the parties produced a memorandum of settlement before me, copy appended herewith.

3. The dispute relates to the case of one Cycle Peon, namely, Shri Indradeo Pandey. Under the terms of settlement he is to be paid Special allowance of Rs. 13/- per month as Bill Collector's allowance with effect from 1st February, 1967 and he is also to be given two advance increments from that date without affecting the date of his future annual increments. The bank has also agreed to consider his case sympathetically for promotion in future provided of course he appears for an examination or test as the bank may prescribe. In my opinion, the compromise is fair and reasonable and I accept it.

In the result, I pass an award in terms of the compromise.

(Sd.) L. P. DAVE, Presiding Officer.

Dated, the 28th January, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA.

Presiding Officer : Shri L. P. Dave, *Judge*

In the Matter of an Industrial Dispute under Central Government order of Reference No. 17 under order No. 51(60/64)-4RN dated the 30th March, 1965.

AND

Mercantile Bank Ltd., 8, Netaji Subhas Marg, Calcutta,

AND

Their Workmen represented by Bengal Bank Employees' Federation of 59/B, Chowringhee Road, Calcutta.

1. That the above dispute is settled at the suggestion of the Hon'ble Tribunal on the following terms :—

(a) That Shri Indradeo Pandey will be given a Special Allowance of Rs. 13 as Bill Collector's Allowance (sub-staff) instead of Cash Peon allowance per bipartite settlement and Shri Pandey's duties include the duties of Bill Collector (sub-staff) as set out in the Bipartite Agreement. Such allowance of Rs. 13 will be given with effect from 1st February 1967. This is without creating any precedent.

(b) That in future the bank will consider his case sympathically for promotion provided Shri Pandey appears in an examination or such test as the Bank may prescribe.

(c) That in view of the suggestion of the Hon'ble Judge the Bank agrees to give two increments in his pay scale (sub-staff) to Shri Pandey. Such two increments are given without creating any precedent or condition and the grant of such two increments have nothing to do about the merit of his work. The two increments will be given with effect from 1st February, 1967. This will not affect the date of his future annual increment.

(d) That Shri Pandey or the Union will not claim any other benefits and hereby settle the disputes with the Bank.

For Bengal Bank Employees Federation.
(Sd.) Illegible.
Vice President
and
Authorising Representative.
28-1-1967.

For Mercantile Bank Ltd.
(Sd.) Illegible.
Manager.
28-1-1967.
D. BASU THOKUR,
Legal Adviser.

[No. F. 51(60)/64-LRIV.]

New Delhi, the 17th February 1967

S.O. 643.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta in the industrial dispute between the employers in relation to Calcutta Port Commissioners and their workmen which was received by the Central Government on 7th February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 141 OF 1966

PARTIES:

Employers in relation to the Calcutta Port Commissioners, Calcutta.

AND

Their workmen.

PRESENT:

Shri S. K. Sen—Presiding Officer.

APPEARANCES:

On behalf of employers—Shri G. V. Karlekar, Chief Labour Officer.

On behalf of workmen—Shri P. K. Ganguly, Jt. Genl. Secretary, National Union of Port Trust Employees.

STATE: West Bengal. INDUSTRY: Port and Dock.

AWARD

By Order No. 28/75/65-LRIV, dated 15th October, 1965, the Central Government referred for adjudication an industrial dispute between the employers in relation to the Calcutta Port Commissioners and their workmen represented by the National Union of Port Trust Employees in respect of the subject matter mentioned in the following schedule:

> "Whether the demand of 1 to 26 K.G. Gangs for booking along with other K.G. Gangs is justified in view of the condition of appointment accepted by each individual workman of these gangs? If so, what should be the relief?"

2. The Calcutta Port Commissioners have necessarily to employ a large labour force to act as porters. The labour force is divided into 3 categories, A, B and C. The A category labourers also known as Primary labourers are pemanent; B category labourers known also as secondary labourers are listed temporary labour; C category comprise purely the casual labour, i.e., labourers requisitioned from time to time from the Employment Exchange.

3. In accordance with the policy of placing all labour on a permanent footing the Calcutta Port Commissioners in 1957 converted many labour gangs of the B category into A category gangs. Nos. 1 to 26 K.G. gangs with whom we are concerned in this reference case were before September, 1957 B categoy labour gangs attached to the coal berth. There were 203 A category or primary coal berth gangs at that time, and the 26 B category coal berth gangs were employed as required after providing work for the 203 primary coal berth gangs. When it was decided to make the B category gangs permanent by converting them into A category gangs, the Port Commissioners thought that it was not necessary to increase the number of A category coal berth gangs as they have already 203 A category coal berth gangs and there was the prospect of mechanisation at the manual coal berths and of opening of Haldia Port which was expected to handle most of the loading of coal. Accordingly, the 26 B category coal berth

gangs were appointed as A category K.G. gangs subject to the condition that they would have to work at the coal berth when required. There were also many B category gangs of porters working at the King George's dock before September 1957. It was decided to convert 34 of these B category gangs into A category or primary gangs of porters and attach them to K.G. dock as primary gangs. The King George's Dock is a cargo dock and the Port Commissioners have other cargo docks known as East side, West side, Sugar berth and Garden Reach, apart from Kantapukur. It was decided to have 60 A category or primary gangs of porters attached to each of the 5 cargo docks, namely, King George's, East side, West side, Sugar berth and Garden Reach. The 26 coal berth B category gangs were numbered as 1 to 26 A category K. G. gangs, and the 34 B category who were previously attached to the K.G. Dock were numbered as No. 27 to 60 A category K. G. gangs.

4. Though these 26 gangs were designated as K.G. gangs, they were directed to report for duty every day at the coal berth for having their attendance registered and for the day's assignment of work. They also continued to be paid from the coal berth. At the cargo berths the cargo dock primary gangs excluding Nos. 1 to 26 K.G. gangs were first allotted work as Mr. Peter Dominic. Labour Supervisor of the Calcutta Port Commissioners has explained. Next, the surplus Tea ware house gangs were provided with work and thereafter the surplus Kantapukur Primary gangs and Nos. 1 to 26 K.G. gangs were allotted work on alternate days. There are certain types of work which are easier and carry a higher prospect of earning under the incentive scheme. It appears from Mr. Dominic's evidence that the facilities and chances of earning are highest at No. 5 K.G. dock; that the next remunerative work is the handling of food grains and only thereafter comes the handling of the general cargo for import and export. Preference in the matter of allotment is given to cargo dock labour, then to the Tea ware house gangs and next alternately to Kantapukur Primary gangs and 1 to 26 K.G. gangs as already explained.

5. In the circumstances, Nos. 1 to 26 K.G. gangs had a grievance because they felt that though they had been appointed as K.G. dock primary gangs, they were not being given the same benefits as the other 34 K.G. gangs who had also received promotion to the permanent category on the same day, although they were not burdened by the condition that they have to serve at the coal dock whenever required by the authorities. It appears from the evidence of Mr. Dominic that though these 26 gangs are designated as K.G. gangs the authorities regarded them more or less as coal berth primary gangs and only when they were not required at the coal berth they were allotted work at the cargo berth dock and given third preference in the matter of allotment as already explained. The case of the union on behalf of these workmen is that though the workmen accepted the liability to work at the coal berth whenever called upon to do so, they should subject to that liability, be treated on the same footing as other K.G. gangs; that is, they should be permitted to report for duty at the K.G. dock like those 34 gangs and in the matter of allotment of more remunerative work they should receive the same rotational benefit as the other 34 K.G. gangs promoted to the permanent cadre on the same day as themselves. Shri Lakshman Prasad, one of the Sirdars of the gangs, stated that the gangs had other grievances as they did not have chance of promotion to higher posts and they received less opportunity for holiday allowance by being called to work on holidays. The workmen complained that their remuneration was considerably less than that of primary K.G. gang porters and even of the A category coal gang porters.

6. From Ext. B, however, which is a table showing the average earning of a primary porter at the cargo dock, at the coal berth and of the 26 gangs with whom we are concerned, it appears that while the porters attached to the cargo berths do earn more remuneration, the earning of the porters of the coal berth gangs is considerably less than the earning of the porters of K.G. gangs 1 to 26. That is because for many days in the month the porters of 1 to 26 K.G. gangs do receive remunerative work at the cargo docks where incentive piece rate schedule is at work, whereas the primary coal berth gangs get no such opportunity. Previously the primary coal berth gangs were not deputed to the cargo berths for work on any occasion, although quite recently some of them are also being deputed to the cargo berth because work in the coal berth has considerably diminished because the handling of coal at the manual berth Nos. 15, 16 and 21 has been stopped, because of the demand of the unions that no porter should be asked to do heading, *i.e.*, carrying loads on the head, and at these manual berths there is no arrangement for handling coal in any other way. Lakshman Prasad admitted that since July 1966 members of K.G. gangs No. 1 to 26 had never been allotted work in the coal berth because of decrease of work in the coal berth for the above reason.

7. Shri G. V. Karlekar, appearing on behalf of the Port Commissioners, has contended that the grievance as to less chance of promotion has no substance. Lakshman Prasad when speaking about the chance of promotion had to admit in cross examination that he did not know whether members of K.G. gangs 27 to 60 had received any promotion at all; that as Sirdar he had no chance of promotion and that even promotion to the job of cargo tindal which he referred to was made from the category of monthly rated porters while all A category gangs were piece rated workers and not monthly rated workers, although there is a guarantee of monthly minimum under the terms of their appointment. I must agree, therefore, that the grievance of less chance of promotion has no substance. There is no substance also in the complaint about less chance of holiday employment, because if the porters are not employed on holidays, they can enjoy their holidays and even without working on holidays, they earn a sufficient remuneration; Lakshman Prasad admitted receiving Rs 182 for his last month after deducting Provident fund and a loan instalment. But there does appear to be substance in the contention that in the matter of rotation of work, members of K.G. gangs 1 to 26 are treated less favourably than members of K.G. gangs 27 to 60, as for more remunerative work the latter gangs are first considered. Shri Karlekar has urged that as there was sufficient number of coal dock A category workers there was no need for converting the temporary coal dock workers, *i.e.* gangs of B category workers attached to the coal dock, to the A category; still taking a compassionate view the Port Commissioners converted 26 coal dock B category gangs into A category gangs, and already the position of these gangs is better so far as monthly remuneration is concerned, than the position of the A category coal dock gangs who belonged to the A category while the 26 gangs with whom we are concerned were still in the B or temporary category entitled only to overflow work after the 203 category A coal berth gangs had been provided with work; and that if the position of these 26 gangs is further improved there would be dissatisfaction among the 203 category A gangs of the coal dock as well as among the gangs of the cargo dock whose income would be correspondingly reduced, and that this would lead to labour trouble; and the present state of things which has been in force for nearly 10 years since 11th September 1957 should not therefore, be disturbed. I must agree with the contention of Shri Karlekar that the position of the members of these 26 gangs is already better than that of the A category coal dock gangs who belonged to the permanent category while these 26 gangs were still in the temporary cadre, and that therefore the members of the 203 coal berth gangs are likely to be dissatisfied if the position of the 26 gangs is further improved. This however is a point which the Port Commissioners ought to have considered when they upgraded the 26 B category coal dock gangs and appointed them as K.G. dock gangs. The earnings of the cargo berth primary gangs being better than that of the coal berth primary gangs, it would have been better if the Port Commissioners had taken competent porters from among the 203 coal dock primary gangs and appointed them as K.G. gangs, but that was not done at the time; and having upgraded the 26 B category coal berth gangs into A category gangs and having designated them as K.G. gangs along with the 34 B category gangs who were previously attached to the King George's dock and who were upgraded at the same time, the Port Commissioners cannot oppose the claim of the 26 gangs that subject to their being liable to work in the coal berth when called upon to do so, they should be treated as cargo berth gangs and treated with same footing and given the same ortation as the other gangs of the cargo berths. Mr. Dominic stated that he did not consider these 26 gangs as cargo berth gangs; that he designated them as K.G.C.B. gangs, *i.e.*, King George's dock (Coal berth) gang and that they were being treated as coal berth primary gangs entitled to work in the cargo berth when not employed in the coal berths. But by the terms of their appointment, Ext. A, considered with the designation given to them at the time of their appointment, namely K. G. gangs, it would appear that these gang members should be treated as cargo berth gangs subject to the requirement of their working in the coal berths when called upon to do so. They should therefore, normally report for duty at the same place as the other 34 primary gang of the K.G. docks and they should share equally with the other 34 gangs the rotational allotment to No. 5 K.G. docks and to the handling of foodgrains and to the handling of general cargo; subject only to this condition that whenever required by the authorities to work at the coal docks, these gangs should in rotation be deputed to the coal docks and work there and during that time of course they will not share with the other 34 K.G. gangs the rotation in the allotment of work at the cargo berth.

8. Shri P. K. Ganguly appearing for the union has urged that the members of the 26 gangs should also receive compensation because of the fact that they

did not have equal earnings since 1958 with the members of gangs 27 to 60 attached to the King Georges Dock. But, in my opinion, the claim for compensation must fail. These 26 gangs were granted one favour by being appointed as K.G. gangs and given a good deal of work in the cargo berth. The Port Commissioners cannot be said to have been wholly wrong in treating these 26 gangs, as Mr. Dominic expressed it, as K.G.C.B. gangs. I would even hold that it would have been more equitable had they definitely appointed them as K.G. C.B. gangs and not as K.G. gangs. It is only because these gangs have raised this dispute about the equal treatment with the other gangs attached with K.G. dock, that after consideration of the terms of appointment, they are being allowed that privilege, and so this order can only have prospective and not retrospective effect. There can be no justification whatsoever for claiming compensation for the somewhat higher earnings in the past by 27 to 60 gangs.

9. I therefore hold that the demand of 1 to 26 K.G. gangs for booking along with other K.G. gangs is justified in view of the conditions of appointment offered by the Port Commissioners, Calcutta and accepted by the individual workman of the gangs and that they should be permitted to report for duty at the K.G. dock along with gangs 27 to 60 of the K.G. dock and that they should be allotted duty on the same basis as those gangs subject only to this condition that the liability of gangs 1 to 26 of working in the coal berth whenever called upon to do so by the authorities will remain, and that when there is requisition for a certain number of these gangs for work in the coal berth the appropriate authority of the Port Commissioners will allot the required number of these gangs to the coal berth in strict rotation, and during the period when a gang is so deputed to the coal berth the gang will not share in the allotment of work at the cargo berth and will not be entitled to complain about less earning during such period of deputation. The Port Commissioners, Calcutta are given two months' time after the publication of the Award for making necessary arrangements for the change in the place of reporting, etc. by the 26 gangs.

Dated,
3rd February, 1967.

(Sd.) S. K. SEN,
Presiding Officer.

[No. 28(75)/65-LR-IV.]

ORDERS

New Delhi, the 15th February 1967

S.O. 644.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri B. S. Somasundaram shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the management of the Punjab National Bank Limited was justified in reverting Shri V. Thiagarajan, Accountant, Mylapore Branch, as a supervisor with effect from the 1st August, 1966. If not, to what relief is the workman entitled?

[No. 51(76)-66-LR.IV.]

S.O. 645.—Whereas an industrial dispute exists between the employers in relation to the Reserve Bank of India and their workmen represented by the All India Reserve Bank Employees' Association.

And, whereas the said employers and workmen have, under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer to dispute to arbitration by arbitration agreement and have forwarded to the Central Government under sub-section (3) of the said Act a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said arbitration agreement which was received by it on the 31st January, 1967.

Agreement

(Under Section 10A of the Industrial Disputes Act, 1947)

BETWEEN

NAME OF PARTIES:

Representing employers.—The Management of the Reserve Bank of India, Central Office, Fort, Bombay-1.

AND

Representing workmen.—The All-India Reserve Bank Employees' Association, C/o Reserve Bank of India, Parliament Street, New Delhi.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri T. L. Venkatarama Aiyar, Retired Judge of Supreme Court of India, 'Sri Vidya Vilas', 81, Mowbray's Road, Alwarpet, Madras-18.

(i) Specific matters in dispute	:	As in Appendix.
(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.	:	(a) Reserve Bank of India, Central Office, Fort, Bombay-1. (b) Workmen other than Class IV employed in the Reserve Bank of India.
(iii) Name of the Union, if any representing the workmen in question.	:	All-India Reserve Bank Employees Association, C/o Reserve Bank of India, Parliament Street, New Delhi.
(iv) Total number of workmen employed in the undertaking affected or likely to be affected		14,987.
(v) Estimated number of workmen affected or likely to be affected by the dispute.		11,107.

The arbitrator shall make his award within a period of three months from the date of the publication of this Agreement in the official Gazette under sub-section (3) of Section 10A of the Industrial Disputes Act, 1947, or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Dated this 24th day of January, 1967 at Bombay.

Signature of the parties.

Representing employers:

D. N. MALUSTE,
Chief Manager,
Reserve Bank of India,
Central Office, Bombay-1.

Representing workmen:

H. L. PARVANA,
General Secretary,
All-India Reserve Bank Employees' Association,
C/o Reserve Bank of India, Parliament Street,
New Delhi.

Witnesses:

(1) R. P. DONDE,
C/o Reserve Bank of India,
Department of Banking Operations & Development, Bombay.
(2) C.D.N. MUDALIAR,
C/o Reserve Bank of India,
Central Office.
Department of Administration & Personnel, Bombay.

ANNEXURE

(Specific matters in dispute to be referred to arbitration)

1. Scales of pay and special pay.
2. Method of adjustment in scales of pay.
3. Grant of increments or special pay or honoraria for graduates or for completing the Institute of Bankers' Examination or for National/Government Diploma in Commerce or for optional subjects in the Institute of Bankers' Examination and Hindi Examinations.
4. Family Allowance.
5. Dearness Allowance.
6. House Rent Allowance, Travelling and Halting Allowances, and Officiating Allowance.
7. Hill and Fuel Allowances for Staff at Srinagar.
8. Emergency Allowance for Staff at Gauhati.
9. Hours of work, and overtime
10. Confirmation of temporary workmen.
11. Procedure for the termination of employment and taking other disciplinary action.
12. Subsistence Allowance during the period of suspension.
13. Leave Rules.
14. Leave Fare Concession.
15. Medical aid and expenses.
16. Age of Retirement.
17. Provident Fund, Gratuity, Pension.

D. N. MALUSTE,
Chief Manager,
Reserve Bank of India,
Central Office,
Bombay-1.

H. L. PARVANA,
General Secretary,
All-India Reserve Bank
Employees' Association,
C/o Reserve Bank of India,
Parliament Street, New Delhi.

[No. 55(43)/66-LRIV.]

New Delhi, the 15th February 1967

S.O. 646.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hindustan Commercial Bank Ltd. and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Hindustan Commercial Bank Ltd., was justified in terminating the services of Shri Rampratap Singh, Guaranteed Peon with effect from the 5th October, 1966? If not, to what relief is the workman entitled?

[No. 51(71)/66-LRIV.]

New Delhi, the 16th February 1967

S.O. 647.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to (1) Madras Homeward Freight Conference, Madras, (2) Messrs Best and Company, Private Limited, Madras, (3) Messrs Binny and Company, Limited, Madras, (4) Messrs Gordon Woodroffe and Company, (Madras) Madras, (5) Messrs Anantha Krishna and Company, Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an industrial Tribunal of which Shri B. S. Somasundaram shall be Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Keeping in view the recommendations of the Central Wage Board for Port and Dock Workers at Major Ports, are the workmen employed by the Madras Homeward Freight Conference and their member employers (Annexure A) in their Measuring Department Madras Port, entitled for any increase in their remuneration in the form of dearness allowance and interim relief? If so, what should be the quantum of such increase and from what date?

ANNEXURE 'A'

(1) Messrs Best and Company Private Limited, 13/15, North Beach Road, Post Box No. 63, Madras-1.

(2) Messrs Binny and Company, Limited, P.O. Box No. 66, Madras-1.

(3) Messrs Gordon Woodroffe and Company (Madras) 1/21, North Beach Road, Post Box No. 42, Madras-1.

(4) Messrs Anantha Krishna and Company, Mercantile Bank Building, 16, First Line Beach, Madras-1.

[No. 28(142)/66-LR.IV.]

New Delhi, the 17th February 1967

S.O. 648.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of the Amalgamated Electricity Company, Limited, Bombay and their workmen in respect of the matters specified in the Schedule hereto annexed and that the said dispute involves a question of national importance and that the dispute is also of such a nature that industrial establishments situated in more than one State are likely to be interested in, or affected by, such dispute;

And whereas the Central Government is of opinion that the dispute should be adjudicated by a National Tribunal;

Now, therefore, in exercise of the powers conferred by sub-section (1A) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute to the National Tribunal constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 294, dated the 27th January, 1961, for adjudication.

SCHEDULE

Is the management of M/s Amalgamated Electricity Co. Ltd., Bombay, justified in refusing payment of bonus to their workmen for the years 1963-64, 1964-65, and 1965-66 at 20 per cent of their earnings as per the provisions of the Payment of Bonus Act? If so to what other quantum of bonus are the workmen entitled?

[No. 17/3/66-LR.IV.]

A. L. HANDA, Under Secy.

(Department of Labour & Employment)

New Delhi, the 14th February 1967

S.O. 649.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal No. 2 Calcutta, in the industrial dispute between the employers in relation to the Jaipuria Kajora Colliery (Post Office Ondal, District Burdwan) and their workmen, which was received by the Central Government on the 6th February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA.

REFERENCE No. 36 OF 1966

PARTIES:

Employers in relation to the Jaipuria Kajoria Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen.—*Presiding Officer.*

APPEARANCES:

On behalf of employers.—Shri P. C Dixit. Senior Officer.

On behalf of workmen.—Shri N. Roy, Officer, I.N.T.U.C., West Bengal Branch. Branch.

STATE: West Bengal. INDUSTRY: Coal Mines.

AWARD

By Order No. 6/80/65-LR. II dated 11th June, 1965, the Central Government has referred for adjudication an industrial dispute between the employers in relation to the Jaipuria Kajora Colliery and their workmen in respect of the subject matter mentioned in the following schedule:

(i) "Whether the management of Jaipuria Kajora Colliery was justified in stopping their workman Shri Aklu Bhuia, Shale Picker, from work for the period from 23rd December, 1964, to 26th April, 1965.

(ii) If not, to what relief is the workman entitled?"

2. In the order of reference the workman Aklu Bhuia has been described as a Shale Picker and it is the case of the management that he was a Shale Picker and never a Chaprasi; but the union on behalf of the workman claims that he was not a Shale Picker but a Chaprasi and the union made this claim as far back as 14th December, 1964, by letter Ext. 3 from Bankey Singh, Organising Secretary of the Colliery Mazdoor Union, to the Conciliation Officer of Searsole Rajbari. As to the capacity in which he was working, their is evidence of Aklu Bhuia, witness No. 2 for the union that he first worked as a Sirdar of coolis and thereafter became a chaprasi or peon, in which capacity he was working for the last 4 years, and that he never worked as Shale Picker. He is corroborated by witness No. 3, Ramdhani Bhuyan, a loading cooli at Jaipuria Kajoria colliery. But Ramdhani cannot be regarded as an independent witness because he admitted that when Aklu used to work as cooli Sirdar he obtained appointment for Ramdhani as a loading cooli. The evidence of Bankey Singh, Organising Secretary of the union who deposed as witness No. 1 for the union, is based on the information received from Aklu Bhuia and has no independent force. As against that evidence there is the evidence of Shri R. Ramachandran, Group Labour Officer of the Jaipuria Kajoria group of collieries. His evidence is that he worked for 3 days of the week at his office at Jaipuria Kajoria and for remaining 3 days in the week at his office at Kendra, and that he had occasion to examine the case of Aklu Bhuia when the dispute arose about him and found out that Aklu Bhuia had all along been working as a Shale Picker and not as a peon or chaprasi; and that only when there was no work as Shale Picker on account of absence of wagons from the depot, he was deputed with letters to the office and used to deliver the letters. It may be that this work allotted to him when he was otherwise unemployed led him to believe that he was a chaprasi. In the company's documents like the Attendance register, Ext. D and the Paysheet Registers, Ext. B and C, Aklu Bhuia is all along described as Shale Picking mazdoor. There is no reason to think that these registers have been fabricated for the purpose of the case and I therefore accept the evidence of Shri Ramachandran that Aklu Bhuia was a Shale Picking mazdoor as noted in the Registers and described in the reference order.

3. That being so, much of the case of union falls away. It is the case of the union that Aklu claimed to work as chaprasi, and because he asserted that he was not being paid the wages of a chaprasi and raised the dispute the management did not allow him to work from 23rd December, 1964 to 26th April 1965. It being found that Aklu Bhuia was a Shale Picking mazdoor and not a chaprasi, it must be held that there is no basis for the dispute which was raised. No doubt Aklu might have been kept out of work even if he raised a dispute falsely. But it appears that from the beginning the management issued letters to Aklu Bhuia accusing him of unauthorised absence and asking him to join forthwith. These

letters are Ext. A dated 25th December 1964, Ext. A1 dated 28th December 1964, and Ext. A2 dated 16/19th March 1965. Ext. 1 is the reply by Aklu to the first two of these letters. This letter is however full of mistakes in typing and it is difficult to make the sense of the letter, but it appears to contain the accusation that having come to learn of the case which the workman had filed before the Conciliation Officer, the management had kept him out of work. Thus the workman was trying to build up his case and did not reply to the charge of unauthorised absence and did not show cause why disciplinary action shou d not be taken against him as he was asked to do by the letters, Ext. A and A1 Ext. 2 which is a copy of the Conciliation Officer's failure report dated 13th May, 1965 shows that before the Conciliation Officer also the management's case was that Aklu had remained absent of his own accord from 23rd December, 1964 until 26th April, 1965; that when on 27th April, 1965 he approached the management and requested permission to rejoin his duties he was allowed to go back to his old post. Even in his deposition before the tribunal, Aklu Bhuia admits that he was permitted to join his old post when he was taken back on 27th Apri , 1965. Aklu Bhuia stated something about the labour officer not having allowed him to join when the case was proceeding before the Conciliation Officer. But this suggestion has been denied by the management's witness and there is no evidence in support of this case. In the circumstances, I am unable to hold that Aklu Bhuia was kept out of his employment for the period of about 4 months by the management.

4. It may be mentioned here that Aklu Bhuia did not appear to know his case before the tribunal, because although the case is whether he should receive his wages in part or full for the period of a little over 4 months between 23rd December, 1964 to 26th April, 1965, Aklu Bhuia stated that his complaint was for 4 or 5 weeks for which he did not receive wages. Having considered the evidence in the case, I conclude that Aklu Bhuia in his old age wanted to have the job of a whole time chaprasi and did not want to do part time Shale Picking and part time work of a peon and he tried to gain his point by raising a dispute through his union and in the meantime he kept away from work, and only when he realised that the management was not going to yield, he came back and asked for permission to rejoin his old post. It appears that there is little difference between the pay of a chaprasi-peon and the pay of a Shale Picking mazdoor, as the Management has shown by reference to the Coal award; so the union's contention that though Aklu was working as a Chaprasi, the management described him as a Shale Picker to give him less pay, has no force. Shri N. Roy has urged that if Aklu Bhuia had kept away from work voluntarily the management should have chargesheeted him for unauthorised absence for over 10 days. But the case was before the Conciliation Officer and the management did not deem it necessary to start proceedings as in that case the management would have had to obtain approval of the Conciliation Officer. The management did not think it necessary to take such a drastic step in the case of an old man and I do not consider that a sufficient reason for holding against the management in this case.

5. It may be mentioned that a preliminary objection was raised by Shri Dixit appearing for the management that the Colliery Mazdoor Union does not represent a substantial portion of the workmen at Jaipuria Kajora colliery and that, therefore, the union is not competent to raise the dispute before the tribunal and that the reference is also bad. On this point, however, there is the evidence of both Bankey Sing, the Organising Secretary of the union and of Aklu Bhuia, the workman concerned that about 100 workmen of this colliery have become members of Colliery Mazdoor Union. It is true that no membership register has been produced and it has been admitted by witness No. 3 for the union, Ramdhani Bhuyan, that two other unions are functioning at Jaipuria Kajora colliery. That does not however prevent a third union from functioning. The Central Government being satisfied that the union represents a substantial portion of the workmen has referred the dispute to the tribunal and it was for the management who challenge the reference to prove their contentions. The management has not examined any workman of the colliery to say that nobody at the colliery has enrolled as a member of this union, namely Colliery Mazdoor Union. In the circumstances, the reference must be accepted as a valid one and the preliminary objection fails.

6. On merits, however, I find that the union has no case and that the management did not at all stop the workman, Aklu Bhuia, from work from 23rd December, 1964 to 26th April, 1965 but that the workman voluntarily kept himself away, and that in the circumstances, the workman is not entitled to any relief.

(Sd.) S. K. SEN,
Presiding Officer.
[No. 6/80/65-LRII.]

Dated, the 3rd February, 1967.

New Delhi, the 17th February 1967

S.O. 650.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Ramnagar Colliery, Post Office Ramnagar Colliery, District Shahdol, Madhya Pradesh and their workmen, which was received by the Central Government on the 13th February, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL-*CUM*-LABOUR COURT (CENTRAL) AT JABALPUR

Dated February 6, 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. CIT/LC(11)/1966 (JABALPUR)
REFERENCE No. CGIT—(63)/1965 (BOMBAY)

In the matter of an Industrial Dispute between the Employers in relation to the Ramnagar Colliery, P.O Ramnagar Colliery, District Shahdol (Madhya Pradesh) and their workmen.

APPEARANCES:

For the employers.—S/Sri J. K. Chowdhry, Law Secretary, Central India Coal Fields Association and D. P. Agarwal, Manager of the concern.

For the workmen.—Shri Shiv Mangal Singh, President, Koyala Khadan Shramik Sangh.

INDUSTRY: Coal Mine. DISTRICT: Shahdol.

AWARD

By Notification No. 5/26/65-LR.II dated 13th October 1965 the following matter as stated in Schedule to the order of reference was referred to the Central Industrial Tribunal Bombay, for adjudication:—

SCHEDULE

Whether the following workmen of Ramnagar Colliery left their services of their own accord and, if not, whether their demand for re-instatement with back wages from the date shown against each is justified and, if so, to what relief are they entitled:

Name of workmen	Date of claim
1. Nathoo s/o Harelal	24-1-1965
2. Jagbhan s/o Vishnath	24-1-1965
3. Baldev s/o Moti	24-1-1965

The proceedings remained pending before the Bombay Central Industrial Tribunal from 4th November 1965 to 24th September 1966 and thereafter it was transferred to this Tribunal by notification No. 8/14/66-LRII dated 17th September 1966. During the pendency of the proceedings before the said Tribunal a Memorandum of settlement dated 4th May 1966 was filed and was received by the said Tribunal on 11th June 1966. After issuing notice to the Union to show cause why the settlement should not be accepted the said Tribunal recorded an interim award on 30th June 1966 and was submitted to the Government as a Part-I award. The dispute, therefore, so far as one workman, Baldev, is concerned has already been disposed of by the Bombay Tribunal and is no more open for adjudication by this Tribunal.

For the remaining two workmen, after a few dates of hearing, the parties came to a settlement and filed a compromise petition, terms of which are reproduced in the annexure. The management have agreed to take back the remaining workmen, Nathoo and Jagbhan, within 15 days of the publication of the award and have further agreed to pay a sum of Rs. 300/- to each of them in full and final payment for the unemployed period. The compromise settlement is obviously for

the benefit of the workers concerned and is therefore accepted. The reference regarding these two remaining workmen is answered in terms of the compromise petition.

(Sd.) G. C. AGARWALA,
Presiding Officer,
Industrial Tribunal-cum-Labour
Court (Central), Jabalpur.
6-2-1967

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT—JABALPUR

In the matter of Reference No. 11 of 1966 (Jabalpur).

BETWEEN:

The Employers in relation to the Management of Ramnagar Colliery, P.O. Ramnagar Colliery, Distt. Shahdol, M.P.

AND

Their workmen, as represented by K. K. Shramik Sangh, Rajnagar and Bijuri Colliery.

Joint Application of the Parties named above

May it please the Honourable Tribunal—

That in the interest of industrial peace and mutual good-will the parties have mutually settled the dispute in the following terms and pray that the Honourable Tribunal may be pleased to accept the settlement and passed an award in terms thereof:—

Terms of Settlement

Agreed that Shri Nathu S/o Shri Hare Lal and Shri Jagbhan S/o Shri Biswanath will be reinstated within 15 days of the publication of the award and will be paid a sum of Rs. 300/- each in final satisfaction of their claims from the date of their unemployment to the date of the reinstatement.

For Workmen:

(Sd.) K. B. CHOUGULE,
Genl. Secy.
K. K. S. Sangh,
Rajnagar & Bijuri Collieries.

(Sd.) S. M. SINGH,
President,
K. K. S. Sangh,
Rajnagar & Bijuri Collieries.

Jabalpur,
dated 4-2-67.

For Employers:

(Sd.) D. P. AGARWAL,
Manager,
Ramnagar Colliery.

[No. 5/26/65-LRII.]

S.O. 651.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, No. 2 Calcutta, in the industrial dispute between the employers in relation to the South Parasea Colliery, Post Office Kajoragram (Burdwan) and their workmen, which was received by the Central Government on the 9th February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, CALCUTTA

REFERENCE No. 103 OF 1966

PARTIES:

Employers in relation to the South Parasea Colliery,

AND

Their workmen.

PRESENT:

Shri S. K. Sen—*Presiding Officer.*

APPEARANCES:

On behalf of Employers—Shri T. R. Dua.

On behalf of Workmen—Shri J. Pandey.

STATE: West Bengal. **INDUSTRY:** Coal Mines.

AWARD

By Order No. 6/32/66-LRII dated 10th May 1966, the Central Government referred for adjudication an industrial dispute existing between the employers in relation to the South Parasea Colliery, P.O. Kajoragram (Burdwan) and their workmen in respect of the matter specified in the following schedule:

"Whether the stoppage of work of Shri Biswanath Prasad, Clerk, by the management of South Parasea Colliery with effect from the 11th January, 1966 was justified? If not, to what relief is the workman entitled?"

2. According to the case of the union, Biswanath Prasad was employed as an attendance clerk at South Parasea Colliery from November 1964, but he was suddenly stopped from working as such with effect from 11th January 1966 by the management. The union took up his case on 15th January 1966 and there were conciliation proceedings before the Asstt. Labour Commissioner (C), Raniganj, but the conciliation proceedings ended in failure.

3. The case of the management before the Conciliation Officer and before the tribunal is that Biswanath Prasad was not employed as a clerk of South Parasea Colliery, but he was a part-time employee under Messrs Keshardeo and Company; that one Chandrika Prasad was appointed as an over-burden removal contractor by South Parasea Collieries Ltd. and Biswanath Prasad was employed under the contractor Chandrika Prasad, and while working under the contractor he was given part time employment by Messrs Keshardeo and Company for recording the attendance of the labourers at Jambad Top Seam quarry, Keshardeo and Company having in the meantime been appointed by South Parasea Collieries Limited as a raising and selling contractor for Jambad Top Seam quarry as also for the South Parasea colliery. The management also takes the defence that the dispute is an individual dispute and that the Parasea and South Parasea Colliery Mazdoor Congress is not entitled to represent Biswanath Prasad as Biswanath Prasad was not a member of that union before he was discharged.

4. As to the last point, there is evidence of Biswanath Prasad that he joined the Parasea and South Parasea Colliery Mazdoor Congress on 7th January 1966 and paid his subscription, and thus he was a member of the Union before he was discharged on 11th January 1966. He is corroborated by Ram Parikha Singh, an employee under the South Parasea Colliery who is also an Assistant Secretary of the Union. It is true that the register of membership and the counterfoils of the receipts for subscriptions have not been produced, but there is no evidence adduced on this point on behalf of the management against the evidence of Biswanath Prasad and Ram Parikha Singh. I therefore find that Biswanath Prasad did become a member of the union before he was discharged and the union was therefore competent to take up his case and represent him in the dispute.

5. The next point urged on behalf of the management is that Biswanath Prasad was not an employee of the colliery itself, but of Messrs Keshardeo and Company who were appointed as raising and selling contractor in respect of Jambad Top Seam quarry as also of South Parasea colliery itself. Ext. B is the original deed of partnership by which Keshardeo & Co. was constituted as a partnership firm. This document is dated 1st January 1958 and the parties are Keshardeo Chhawchharia, Vijay Kumar Chhawchharia, Gagendra Kumar Kedia and Biswanath Murarka. The agent is charge of the colliery is Shanker Lal Chhawchharia. Biswanath Murarka, one of the partners of Keshardeo & Co., who deposed as the only witness for the management in this case, did not admit that Keshardeo Chhawchharia was in any way related to Shankar Lal Chhawchharia, but he admitted that Vijay Kumar Chhawchharia is the son of Shankar Lal Chhawchharia. Thus this partnership firm of Keshardeo & Co. cannot be regarded as quite independent of the owners of the colliery. Ext. C is the memorandum of agreement dated 31st May 1964 between South Parasea Collieries Ltd. (referred to as the Company) and Keshardeo & Co. By this deed of agreement the South Parasea Collieries Ltd. appointed Keshardeo & Co. as contractor for raising and selling coal of the quarry as well as of the colliery itself. Under paragraph 10 of the agreement, it is provided that the Company will appoint and pay for the Mining officials, namely, Manager, the Safety Officer, the Welfare Officer, Doctor, Compounder, Engineer, Surveyor Overman, Mining Sirdar, Shot Firers, Chain Man and other staff as will be agreed between the parties from time to time. Under paragraph 11 it is provided that the raising contractor, termed as principal employer, will appoint attendance clerks and all staff except the mining officials and staff as detailed under paragraph 10. On the strength of the authority given in paragraph 10 of the Ext. C to Keshardeo & Co., it has been urged on behalf of the management that it was Keshardeo and Co. who in November 1964 appointed Biswanath Prasad as attendance clerk and thus Biswanath Prasad was the employee of Keshardeo & Co. and not of South Parasea Collieries Ltd. There are the pay vouchers, Ext. 3 to 3L, showing payment of Biswanath Prasad by Keshardeo & Co. I have already pointed out however that Keshardeo & Co. cannot be regarded as an independent firm. Moreover, under paragraph 37 of Ext. C it was provided that the Company would provide the following benefits to the workers employed by the principal employer, Keshardeo & Co., namely, Maternity benefit, sick khoraki, workmen's compensation and medical facility. Thus the Company took some liability even for the workmen employed by Keshardeo & Co. Under paragraph 17 of the agreement Keshardeo & Co. was directed to work under the instruction of the manager of the company and according to the plans signed by the manager. In other respects also the Company retained control over the working of Keshardeo & Co. It has appeared from the evidence that Biswanath Prasad had to submit his monthly return of attendance of workmen at the quarry to the Manager of the Colliery. It was also the Manager who issued the authorisation letter as register clerk to Biswanath Prasad vide Ext. 1. Further, it appears from Ext. 4, a slip signed by Shankar Lal Chhawchharia the agent and representative of the colliery, that it was the agent who passed an order to the effect that from January 1965 Biswanath Prasad would be paid Rs. 100/- per month. Originally Biswanath Prasad was receiving Rs. 80/- per month. Thus the control over Biswanath Prasad was that of the company. It is no doubt true that the pay or allowance to Biswanath Prasad was given under vouchers of Keshardeo & Co., Ext. 3 to 3L. But in view of the circumstances it must be held that Keshardeo & Co. was practically an agent of South Parasea Collieries Limited. Accordingly, I must hold that Biswanath Prasad was an employee of South Parasea Collieries Limited even though he received payment from the agents, Keshardeo & Co.

6. Next it has been urged on behalf of the management that Biswanath Prasad was a part time employee and therefore not entitled to the benefits of the Industrial Disputes Act and also that he was working under the overburden removal contractor, Chandrika Prasad and, therefore, when the contract of Chandrika Prasad was terminated the contract of service with Biswanath Prasad, if any, automatically expired. Now, Ext. D is the contract which is executed between South Parasea Collieries Ltd. and Chandrika Prasad represented by Sant Kumar Verma on 1st January 1964. By paragraph 7 of the contract it was provided that the company would maintain the attendance of workers and the relative statutory record, i.e., attendance register and the register of employees in B form. Accordingly, the attendance clerk appointed for maintenance of these records would be a servant of the company and not of the contractor Chandrika Prasad or Sant Kumar Verma. Biswanath Prasad denied that he worked under the contractor Chandrika Prasad or Sant Kumar Verma. Biswanath

Murarka, the only witness for the management, stated that he heard from Biswanath Prasad himself that he received some payments from the contractor Sant Kumar Verma for watching the work of the labourers employed by Sant Kumar Verma for cutting the earth and the coal of the quarry and bringing up the coal. But the witness admitted that he had never seen such payment being made before him. It is however, not unlikely that in his spare time when not required to work as attendance clerk, Biswanath Prasad did some work for Sant Kumar Verma; that he had some connection with Sant Kumar Verma appears from the fact that two of the vouchers, Ext. 3 and 3C, for his monthly pay and allowance were signed on behalf of Biswanath Prasad by Sant Kumar Verma. Biswanath explained that he was absent when the pay was disbursed and so Sant Kumar received the pay on his behalf. But even if it is held that Biswanath Prasad did part time work under the contractor Sant Kumar Verma or Chandrika Prasad, that does not make him any less an employee under the company. He was employed to record the attendance of the workmen at the quarry and was being paid as attendance clerk on behalf of the company. On behalf of the management, reference has been made to a decision of Andhra Pradesh High Court, AIR 1960 AP 371 (Satyanarayan Rice Mill *Vs.* Industrial Tribunal Hyderabad) in which case reference was made to some decisions of Industrial Tribunals to the effect that part time employees were not covered by the Industrial Disputes Act, and the High Court remanded the case back to the Industrial Tribunal for decision of the question whether the employment of the workman was of such a nature as to constitute him an employee under the Industrial Disputes Act. There was no final decision on the question whether or not a part time employee would be covered by the Industrial Disputes Act. In each case it must depend on the facts and circumstances whether a part time employee is an employee within the meaning of the Industrial Disputes Act. If the principal employment is under industrial company the fact that the workman does some part time job in spare time would not make him any less an employee under the Industrial Disputes Act. In the present case I must hold that Biswanath Prasad was principally employed under South Parasea Collieries Limited and therefore it must be held that he was an employee coming within the scope of the Industrial Disputes Act.

7. As regards Biswanath's evidence that he was summarily discharged with effect from 11th January 1966 there has been no serious challenge thereto. It has no doubt been urged that he was temporarily employed and had not yet been made permanent; but he was employed as an attendance clerk and not for work of an essentially temporary nature, and had put in 14 months' work, and in the circumstances he was entitled to be treated as a permanent workman. No notice terminating his service was given in the present case and I hold therefore that the termination of service was not proper.

8. I find therefore that the stoppage of work of Shri Biswanath Prasad, clerk, by the management of South Parasea Colliery with effect from 11th January 1966 was not justified, and he is therefore entitled to be reinstated, and I direct such reinstatement within one month after the publication of the award. From 11th January 1966 until the date of reinstatement he must be paid at half the rate of pay which he was drawing immediately before his discharge.

No order is made as to costs.

(Sd.) S. K. SEN,
Presiding Officer.

Dated,
6th February 1967.

[No. 6/32/66-LRII.]

New Delhi, the 18th February 1967

S.O. 652.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the Messrs Assam Railways and Trading Company Limited, Margherita (Assam) and their workmen which was received by the Central Government on the 15th February, 1967.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE No. 1 OF 1965

PARTIES:

Employers in relation to Messrs Assam Railways and Trading Co., Ltd., Margherita.

AND

Their Workmen.

PRESENT:

Shri L. P. Dav.—*Presiding Officer.*

APPEARANCES:

On behalf of Employers.—Shri J. K. Ghosh, Advocate.

On behalf of Workmen.—Shri Kanti Mehta.

STATE: West Bengal. **INDUSTRY:** Coal mining.

AWARD

By Order No. 6/89/64-LRII dated 23rd December, 1964, read with Order of even No. dated 24th June, 1965, the industrial dispute existing between employers in relation to M/s. Assam Railways and Trading Co., Ltd., Margherita (Assam), and their workmen in respect of the following matters was referred for adjudication to this Tribunal.

(1) Whether the management of Messrs Assam Railways and Trading Co., Ltd., Margherita was justified in not adjusting the salaries of their monthly paid staff of the Administrative office and C.M.E's office and the monthly paid staff employed in the colliery with retrospective effect from 26th May, 1957, according to the directions contained in the relevant Awards? If not, to what relief are they entitled?

(2) Whether the said management was justified in not granting interim relief from 1st March, 1963, as granted by the Wage Board for Coal Mining and V.D.A. to their C.M.E. Office Staff? If not, to what relief are they entitled?

(3) Whether the said management was justified in not granting quarterly bonus to their staff in C.M.E's office in accordance with the Coal Mines Bonus Scheme? If not, to what relief are they entitled?

2. In response to notices issued by the Tribunal, the workmen represented by Assam Colliery Mazdoor Congress, which I shall hereafter refer as merely the 'union', filed a written statement contending *inter alia* that the Assam Railways and Trading Co., Ltd., which I shall hereafter refer to merely as the 'company', is a sterling company owning four collieries employing 4,000 workers in the collieries; that each of the collieries is under the administrative control of a Manager, who maintains a small office known as "administrative office"; that the Managers of all the collieries function under the superintendence and control of the Chief Mining Engineer, who is appointed exclusively for the work of the collieries and who maintains an office known as "The Chief Mining Engineer's Office"; that the company has also an administrative office under the General Manager of the company; that there are a number of awards relating to the workmen in the collieries; that in 1956, an award was passed which is known as the "Mazumdar Award"; that against this award, appeals were preferred before the Labour Appellate Tribunal both by the Union and the Company; that during the pendency of these appeals, an agreement was arrived at between the parties; that it was filed before the Labour Appellate Tribunal, which passed an award in terms thereof; that these awards provided for certain scales of pay for the colliery workmen and also laid down the manner in which the adjustments of salaries should be made; that there was subsequently an arbitration award on scales of pay and another award known as the "Merchant Award"; that these awards did not disturb the manner in which the salaries were to be fitted in; that the company did not make necessary adjustments in the salaries of the workmen, which ought to have been done with effect from 26th May 1956; that the present dispute relates only to the employees employed in the CME's office and the administrative office of the company, as stated above; that these employees are workmen working in the collieries and there was no justification for the company in not giving them the adjustment of salaries as given to others; that the union claims that the salaries of these employees should be adjusted according to the directions of Mazumdar Award and that in any case the adjustments should be effective at least from 26th May 1956; that regarding Issue No. 2

it is submitted that the interim award of the Wage Board granting an interim relief should be made available to the workmen engaged in the CME's office and the administrative office of the company; that for all practical purposes these workmen are workmen of the collieries and are entitled to all benefits that other workmen of the collieries are entitled to; that under the Coal Mines Bonus Scheme, all colliery workmen are entitled to quarterly bonus; that the workmen working in the CME's office are not being paid this bonus but instead they are being paid an attendance bonus at a very low rate; that the workmen have accepted the payment of such bonus always under protest; that the Union therefore prayed that there should be full adjustment of pay scales taking into consideration the past service with retrospective effect; that there should be an interim award with retrospective effect; that there should be a variable dearness allowance with retrospective effect; that quarterly bonus should also be paid to all the workmen in the CME's office and the administrative office.

3. The company, by its written statement, contended *inter alia* that the present reference is not maintainable in law, as the issues before the Tribunal for adjudication relate to the question of implementation and/or enforcement of the awards of the Industrial Tribunals, recommendations of Wage Board and the provisions of law made under the Coal Mines Bonus Act; that the claims made by the union are belated and should not be entertained; that without prejudice to the above contention, the company contends that apart from its owning collieries and raising coal therefrom, it also operates in other activities like timber logging, manufacture of plywood etc.; that the company has its administrative office at Margherita which is controlled by a General Manager, who is assisted in his work by various section heads including a Chief Mining Engineer; that these section heads have their offices situated at Margherita and these offices are an integral part of the administrative office; that the administrative office is situated at a place outside the company's mining fields; that the terms and conditions of the employees working in the administrative office including CME's office are distinct and separate from those enjoyed by the workers in the collieries; that the employees working in the CME's office are transferable to other non-colliery offices and are subject to the same service conditions as other non-colliery employees; that the certified standing orders for the collieries are not applicable to employees working in the administrative office including the CME's offices; that any dispute relating to the employees at the administrative office would come within the jurisdiction of the State Government; that the employees working in the administrative office including the CME's office were not subject to or governed by the terms of the Memorandum of the settlement dated 7th December 1956; that the employees working in the administrative office draw salaries at a different rate from the colliery rates; that the employees in the administrative office including the CME's office were not concerned in the proceedings either before the Mazumdar Tribunal or the Labour Appellate Tribunal or in the Arbitration proceedings before Mr. Das Gupta or before Mr. Salim M. Merchant and were and are not governed by the provisions of the relevant awards, that these employees are not before the Wage Board for the Coal Mining Industry, which is solely meant for the workmen employed in the collieries. The company therefore urged that under these circumstances the employees working in the administrative office including the CME's office were not entitled to any of the relevant claims of the union.

4. Before going into the merits of the case, I shall first consider the law points raised by Shri Ghosh on behalf of the employers. He firstly contended that the present reference was not maintainable in law because the matter referred to for adjudication related to the question of implementation and/or enforcement of the awards of Industrial Tribunals, recommendations of Wage Board and the provisions of law made under Coal Mines Bonus Scheme. The first issue referred to the Tribunal relates to adjustments of salaries according to the directions contained in different awards. The second issue relates to grant of interim relief as recommended by the Wage Board for Coal Mining Industry and the third issue relates to the grant of quarterly bonus to the staff in accordance with the Coal Mines Bonus Scheme.

5. An industrial dispute, as defined in clause (k) of Section 2 of the Industrial Disputes Act, means any dispute or difference between employers and employers or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. The disputes referred to under all the three issues relate to a dispute or difference between the employers and workmen and they are all connected with the terms of employment of

workmen. They, therefore, fall within the definition of an industrial dispute. Hence under section 10 of the Industrial Disputes Act, the Government have the power to refer the same for adjudication.

6. So far as issue No. 1 is concerned, it arises out of the terms of different awards. It is true that under section 36A of the Industrial Disputes Act, the Government have the power to refer any question about the interpretation of any provision of an award or settlement to a Tribunal. It however does not mean that if there is a dispute of this type, the Government must proceed under section 36A and not under section 10. I do not think that there is any bar to refer it for adjudication under section 10 of the Industrial Disputes Act

7. So far as issues Nos. 2 and 3 are concerned, they relate to the grant of interim relief by a Wage Board and grant of bonus under the Coal Mines Bonus Scheme. If there is a dispute on either of these two points, the only provision for adjudication would be one under section 10 of the Industrial Disputes Act. As far as these two issues are concerned, therefore, it could not by any imagination be said that the reference is bad in law.

8. The second contention raised by Shri Ghosh was in respect of addition of certain words in the issue No. 1 by the Government under its Order No. 6/89/64-LRII dated 24th June 1965. As it originally stood, the issue related to the adjustment of salaries of the monthly paid staff of the Administrative Office and the CME's office. By the Order of 24th June 1965, the monthly paid staff employed in the colliery was also included. It was contended that the Government had no power either to cancel or amend or add to the original order of reference and reliance was placed in this connection on the cases of State of Bihar *Vs.* D. M. Ganguly—AIR 1958—Supreme Court 1/18 and Kesoram Cotton Mills Limited *Vs.* Second Labour Court—AIR 1963 Calcutta 348.

9. So far as the Supreme Court case is concerned, the issue before the Court was whether an order of reference made by the Government could be subsequently cancelled or superseded by it and the Court held that the Government had no such power. In the last sentence of para 10 of the Judgment, the Supreme Court has observed that "our present decision is confined to the narrow question as to whether an order of reference made by the appropriate Government under section 10(1) can be subsequently cancelled or superseded by it". Thus, this decision of the Supreme Court would not be relevant to the present case, where the original reference has not been cancelled or superseded, but what has been done is that the Government have amended the reference by adding new matters not covered by the original reference.

10. It may also be noted at this stage that the Supreme Court referred to the case of South India Estate Labour Relations Association *Vs.* State of Madras—AIR 1955 Madras 45. In this Madras case, one of the points considered was whether it was open to the Government to amend a reference by including in it matters which were not covered by the previous reference. It was contended before the Madras High Court that the Government had no jurisdiction to amend a reference and that the order amending the reference was therefore without jurisdiction. A division Bench of the High Court held that the objection was one of form and was without substance. It further held that it would have been open to the Government to make under section 10 an independent reference concerning any matter not covered by the previous reference. The Government instead of making an independent reference amended the existing reference and this was considered by the Madras High Court as a mere technicality, which did not merit any interference by the High Court. The Supreme Court in referring to this Judgment stated that it did not assist the appellant in the case because the Supreme Court was not considering the power of Government to amend or add to a reference. The Supreme Court did not dissent from this view of the Madras High Court, but indirectly agreed with it. The Supreme Court proceeded to say that its decision was confined to the narrow question as to whether an order of reference could be subsequently cancelled or superseded by it.

11. So far as the Calcutta case is concerned, it is a decision of a single Judge, holding that the Government had no power to add new parties to the reference, even though it did not amount to supersession or cancellation of the reference. The Court also held that it was always open to the Government to make an independent reference.

12. The facts of the Calcutta case are peculiar. The original reference was in respect of two issues involving two sets of workmen. The first issue referred

to the dismissal of 17 workmen named in the list "A" attached to the Order of reference and the second issue related to the suspension of 13 workmen named in the list "B" attached to the Order of reference. By a subsequent corrigendum, the 13 workmen, whose names had been included in list "B" as suspended workmen, were included in the list "A" as dismissed workmen. The 17 workmen, whose names had been included in list "A" as dismissed workmen were included in list "B" as suspended workmen and the names of 11 more workmen were added to the list. The High Court upheld the order of corrigendum regarding the persons included in the lists A & B; but it quashed the order so far as the 11 more workmen were added to the list. The High Court in quashing the Order observed that it would be open to the State Government to make an independent reference or additional reference to the same Tribunal in respect of these 11 workmen, so that the Tribunal could hear and determine the dispute either by consolidating the two references or by making them analogous or by hearing the two references one after another.

13. In deciding this case, the above mentioned Supreme Court and Madras cases were referred to. In discussing the Supreme Court case, the Calcutta High Court referred to certain observations of the Supreme Court to the effect that once an order of reference was made by the Government, the Tribunal was seized of the dispute, and that except for cases falling under section 10(5), the Government stood outside the reference proceedings. With very great respect, however, I may point out that the very important fact observed by the Supreme Court was lost sight of, namely, the Supreme Court was deciding only the narrow question as to whether an order of reference could be subsequently cancelled or superseded by it and it was not deciding the question whether the Government could add to the original reference or not.

14. The Supreme Court had also referred to a decision of the Madras High Court, which held that the Government could amend a reference, if in effect it was making an addition to the reference. This Madras case was also referred to by the Calcutta High Court, which observed "It is always open to the Government to make an independent reference over the suspension of the 11 workmen whose names were inadvertently left out of the original order of reference. The State Government may lack in the power to amend the original reference by adding the names of new parties, but nothing prevents it from making an additional reference to the same Tribunal so that both the references may be considered together. This is the view which was expressed by Venkatarama Aiyar (one of the Judges which decided the case of A.I.R—1958 S.C. 1018, in the case of South India Estate Labour Relations Organisation *Vs.* State of Madras A.I.R. 1956 Mad. 45).

15. With very great respect, I may point out that Venkatarama Aiyar J. went further and said "That it took the form of an amendment to the existing references and not an additional reference is a mere technicality which does not merit any interference in these proceedings". The Calcutta Judgment is silent on this important observation and does not mention that it did not agree with it.

16. I may also say with very great respect that I do not agree with the Calcutta decision and that I agree with the decision of the Madras High Court referred to above.

17. I may here refer to section 10(5) of the Industrial Disputes Act, which has also been referred to in the above Supreme Court and Calcutta cases. Under that section, where a dispute concerning any establishment has been, or is to be, referred to a Tribunal, the Government would have the power to include in that reference other establishments, if it is satisfied that the dispute is of such a nature that such other establishments are likely to be interested in, or affected by such dispute. In the present case the dispute as originally referred to this Tribunal related to the adjustment of salaries of monthly paid staff in the administrative and CME's offices. The monthly paid staff in the collieries would naturally be interested in the same dispute. At any rate, if the Government was satisfied that this staff was likely to be interested, it could, on the principles enunciated, in section 10(5), add the necessary words, so as to include that staff in the terms of the reference.

18. In the Calcutta case above referred to, the eleven workmen whose names were subsequently added in the list 'B' of the corrigendum notification were found not to constitute an establishment or group or class of establishment of the similar nature and it was therefore held that their names could not be added to the reference by the State Government in exercise of its powers under section 10(5)

of the Industrial Disputes Act. (See Para 9 of the Calcutta Judgment). Here, the workmen added are of a group or class of establishment of similar nature, and hence the Govt. had the power to add them in this reference under section 10(5) of the Act.

19. On the whole, I hold that the Government order of June 1965 was not without jurisdiction. I therefore overrule this contention of Shri Ghosh.

20. It was then urged that the staff of the CME's office would not be said to be workmen working in a "mine" and hence the Central Government had no power to make this reference but the State Government would be the appropriate Government to do so. Reliance was p'aced in this connection on the case of Serajuddin and Co. Vs. Their workmen 1962(I) LLJ 450. In that case, the concern was engaged in the business of carrying on mining operations in the State of Orissa and had its Head Office at Calcutta. The staff employed at the Head Office at Calcutta looked after the general control of the mines and the sale of its mine products. Separate staff was employed at the mines site for supervising the work of mining operations. On these facts, the Supreme Court held that the Head Office at Calcutta could not be considered as an integral part of the mine and that the persons employed in the Head Office could not be said to be engaged in mining operation within the first part of the definition of "person employed" in Section 2(j) of the Mines Act. The Supreme Court, therefore, held that the State Government was the appropriate Government to make a reference regarding the dispute between the company and the workmen in the Head Office.

21. The facts of the present case are however different. We are concerned in the present case with the staff not of the Head Office but of CME's office. It is true that the Head Office and the CME's office are situated at the same place but the work of the CME's office is something different from the work of the Head Office. The CME's office does work connected with the working the mines and with no other work. The Central Government would then be the appropriate Government, who had the power to make a reference, in this case. The present reference is therefore valid.

22. Coming to the facts of the case, three questions have been referred for adjudication to this Tribunal. The first relates to the adjustment of salaries of three categories of monthly paid staff:

(i) monthly paid staff of the administrative office

(ii) monthly paid staff of the CME's office

(iii) monthly paid staff employed in the collieries.

The second question relates to the grant of Interim Relief, as recommended by the Wage Board for Coal Mining Industry, to the staff of the CME's office. The last question relates to the grant of quarterly bonus in accordance with the Coal Mines Bonus Scheme to the staff in the CME's office. The defence of the employers on the last two issues and that part of the first issue, which relates to the CME's office, is that the CME's office staff is not colliery staff and is not governed by Awards or decisions which relate to Coal Mines.

23. So far as the other two categories of monthly paid staff referred to in the first question are concerned, they relate firstly to the staff in the administrative office and secondly to the staff in the collieries. Some confusion has been cause in this case, regarding the first category of staff mentioned in question No. 1 because of the use of the words "administrative office". The Head Office of the company is known as "administrative office"; and each of the offices of the Managers of the four collieries belonging to the company is also known as "administrative office" of that colliery. The employers' contention is that their Head Administrative Office is not governed by the wage structure of the coal mines and hence the issue so far as the administrative office is concerned should be decided against the union's contention. I may mention at this stage that at the time of hearing before me, it was made clear on behalf of the union that they were confining their claims, so far as the administrative office mentioned in issue No. 1 is concerned, to the staff working in the Managers' officers and that they did not make any claim for the staff of the Head Office or of the main administrative office of the company. The union representative stated that the words "administrative office" used in issue No. 1 of the Order of Reference relate only to the offices of the Managers of the collieries and not to the staff of the Head Office We have, therefore, to consider and decide the case on this basis.

24. It was conceded before me that the staff in the Managers' offices is entitled to all the benefits, which may be given to the colliery workers. Admittedly, the

staff in the Managers' offices is colliery staff and is entitled to the wage structure fixed for the colliery workers. In other words, the staff working in the Managers' offices is entitled to get the pay scales and other benefits that have been awarded by the Mazumdar Award as modified by the Labour Appellate Tribunal Award and also as laid down in the Das Gupta Award and Merchant Award. Similarly, so far as the monthly paid staff employed in the colliery is concerned, that staff is also governed by the above Awards and is entitled to the wage structure and benefits, which apply to the collieries. So far as the CME's office is concerned, there is a dispute between the union and the company as to whether the staff in the CME's office is governed by the wage structure applicable to the collieries. I shall come to this point later on.

25. The first question referred to this Tribunal is whether the above mentioned categories of monthly paid staff are entitled to adjustment of their salaries. In this connection it may be mentioned that the Mazumdar Award fixed certain salaries in respect of the monthly paid staff situated in different collieries in the country. Against this Award, the workmen filed Appeal No. 175 of 1956 and the employers filed Appeal No. 185 of 1956 before the Labour Appellate Tribunal at Calcutta. When these appeals came up for hearing before the Labour Appellate Tribunal, the parties filed before it a petition of compromise, which was challenged by certain workers. Ultimately, the Labour Appellate Tribunal accepted the agreement and passed and delivered a judgment modifying the Mazumdar Award in terms of the agreement and directed that the terms of the agreement should be substituted in place of the relevant decisions in the Award (of Mazumdar Tribunal) *mutatis mutandis*. The Labour Appellate Tribunal further ordered that their decisions in other appeals, which had been filed before it against the Mazumdar Award, would not apply to the matters settled by the above agreement.

26. A copy of the above agreement has been p duced before this Tribunal by the company. This agreement lays down the basic wages of the employees both monthly paid and daily rated and also the Dearness Allowances payable to them. It is further laid down that the sale of rations at concession rates would continue. It appears that a dispute arose between the parties about the determination of wage structure in terms of the above settlement in respect of certain categories of workers and the said dispute was referred for adjudication to the Central Government Industrial Tribunal at Dhanbad, then presided over by Shri Merchant, who gave this award, which has been published in the Gazette of India, Part II. Sec. 3(ii), of 16th December, 1961 at pages 3194 to 3216. As mentioned above, the dispute then was regarding certain categories of workers only, both monthly rated and daily rated. The Tribunal first discussed the question of the daily rated workers; and then the question of the monthly rated workmen was considered at paras 77 to 81 of the Award. After fixing the wage structure for the different categories (which were then in dispute), the Tribunal ordered at Para 81 "I further direct that the method of adjustment of the existing salary of the monthly rated workmen into the revised pay scale shall be the same as directed by the Labour Appellate Tribunal and as interpreted by the Das Gupta Award".

27. It is common knowledge that when any pay scales are revised, the question of adjusting the existing personnel in the new wage structure has got to be considered and directions are usually given as to how the adjustments should be made. Pay scales are revised when they are found to be inadequate and the new pay scales would apply to the personnel newly appointed in that particular grade. In respect of the people who are then already in service, it would not be fair to start them at the minimum of this revised scale. They are entitled to get some weightage for the length of their service and this is usually done by providing an adjustment clause. The Mazumdar Tribunal gave its directions in Para 809 of its award. When the matter came up before the Labour Appellate Tribunal, it gave its directions at paras 315 and 316 of its decision. The union contends that the monthly paid staff who was already in service at the time of the above agreement shou'd be adjusted in the new scales according to the above decision of the Labour Appellate Tribunal. On the other hand, the company's contention is that when new scales were agreed upon, the present incumbents were entitled to be brought on in the new scales according to their existing emoluments. I think that this is not proper.

28. The decision of the Mazumdar Tribunal which applies to the present parties, had been challenged by both parties before the Labour Appellate Tribunal. Pending the appeal, the parties entered into an agreement and produced it before the Labour Appellate Tribunal, which accepted it and modified the Mazumdar Award in terms of the said agreement. It, however, specifically mentioned that

the terms of the agreement were to be substituted in place of the relevant decision in the Award and that their decision in other appeals would not apply to the matters settled by the agreement. In other words, on matters on which the agreement was silent, the decision of the Labour Appellate Tribunal would be applicable. At any rate, the principles laid down by the Labour Appellate Tribunal would be applicable. In my opinion, the company was not justified in refusing to adjust the salaries of the monthly paid staff according to the principles laid down by the Labour Appellate Tribunal.

29. The company's stand is all the more illogical when we remember that when the question of certain categories of workmen was referred to the Merchant Tribunal, that Tribunal also directed that the method of adjustment of the existing salary of the monthly rated workmen into the revised pay scales should be the same as directed by the Labour Appellate Tribunal and as interpreted by the Das Gupta Award.

30. It is true that giving retrospective effect to the adjustment may cause some financial burden on the company, but this cannot be helped. The workmen have been deprived of their legitimate dues by the improper attitude of the employers. Apart from the directions given by the Labour Appellate Tribunal in its Award, the Merchant Award specifically laid down that the method of adjustment of the existing salary of the monthly paid workmen in the revised pay scales should be the same as directed by the Labour Appellate Tribunal. But for the unfortunate fact that all the monthly paid staff was not then before the Merchant Award, the directions would have applied to them also and they would have got a revision of their salary on the basis. At any rate, after going through the Merchant Award, the company should have seen that all the monthly paid workmen were entitled to be adjusted in the revised scale on the same basis as the directions given by the Labour Appellate Tribunal, and they are themselves to blame, if they have now to pay a large sum only because they did not adjust the salaries by implementing the above award.

31. It may be noted here that the union has all along been agitating the question of adjustment, by writing to the company, and to the Government and its officers.

32. I would therefore hold that the management was not justified in not adjusting the salaries of their monthly paid staff according to the directions given in the above award and direct that the salaries of all the monthly paid staff working in the Managers' Offices of the four collieries and also the monthly paid staff working in the collieries, as also the monthly paid staff in the CME's office, should be adjusted according to the directions contained in the Labour Appellate Tribunal Award, as interpreted by the Das Gupta Award (I am including the Chief Mining Engineer's staff as, as I shall presently show, they are also covered by the wage structure of the collieries).

33. This brings me to the second point in dispute and this would apply to part of question No. 1 and also to questions Nos. 2 and 3 referred to this Tribunal. The union demands that the staff of the CME's office should be given interim relief and variable dearness allowance, as recommended by the Wage Board for Coal Mining Industry, just as it is given to the other coal mining employees. It further contends that the staff in the CME's office should be paid quarterly bonus in accordance with the Coal Mines Bonus Scheme. The Company disputes these claims on the ground that the CME's staff is part of their Head Office staff and is not covered by the wage structure obtaining in the collieries.

34. It is an undisputed fact that the company owns four collieries in Assam. The company raises coal from these collieries and sells it. It has also other business, like timber logging, production of veneers, production of pre-fabricated housing, manufacturing of bricks etc. The Head Office of the company is situated at a place known as Margherita, which is not far from the collieries. The nearest colliery is about three miles from the Head Office. The company however contends that the Head Office is outside the mining lease area.

35. Each colliery has a Manager, which Manager has an office at the colliery itself. There is, however, one Chief Mining Engineer, who controls all the four Managers. He is the head of all the four collieries. The present dispute is as to whether the staff of Chief Mining Engineer should get the same pay scales and the same service conditions as are applicable to the colliery staff. The union contends that the CMEs staff is colliery staff, as he looks after the work of the collieries. On the other hand, the company contends that the CME's staff is part of the Head Office staff and is not entitled to the wage structure prevailing in the collieries, but is entiteld to the wage structure applicable to the Head Office staff.

36. It may be mentioned at the outset that the Chief Mining Engineer is admittedly the Head of all the four collieries and he has to look after all of them. The staff working in the CME's office looks after the correspondence with the Chief Inspector of Mines, prepares pay bills of monthly paid staff of collieries, checks pay bills of other persons working in the collieries, maintain service records of the monthly paid staff of the collieries, looks after the grant of leave to the monthly paid staff etc. It was, however, contended on behalf of the management that the CME does other work also and his staff is therefore not the staff of the colliery alone and is not entitled to the benefits available to the colliery staff. In this connection relevance was placed on the evidence of the Chief Personnel Officer, Shri Ghosh, who has stated that the Chief Mining Engineer is the Head of four collieries and that he looks after all the collieries. He has also said that the C.M.E. looks after non-colliery stores and some other non-colliery work. He had however to admit that the non-colliery work was given to the C.M.E. only about a year ago, *i.e.* very probably after the present reference was made It is important to note in this connection that in the written statement, the company has not alleged that the C.M.E. is looking after work other than that connected with the collieries. It would have done so, if the C.M.E. and his staff were doing non-colliery work also, as it would have supported their case that C.M.E.'s staff is not governed by the wage structure applicable to collieries. This lends support to the contention of the union that the new work, which has been entrusted to the C.M.E. has been done recently after the present reference was made.

37. As I mentioned above, the Chief Personnel Officer, Shri Ghosh, has stated that the C.M.E. is looking after non-colliery stores. He has also said that the C.M.E. does work in connection with the sale of coal. He has however not mentioned as to when the C.M.E. started looking after this work nor has the company produced any documentary evidence supporting this allegation of Shri Ghosh. On the other hand, he has admitted that the company has a Sales Manager, but his contention is that this Sales Manager looks after the sale of timber and not of coal. When this contention is being raised for the first time only at the time of giving oral evidence before the Tribunal and when the point was not raised in the statement, it is difficult to accept it, especially when there is no documentary evidence in support thereof. In this connection, there is the evidence of Shri Rakhit, who is a Clerk working in the Accounts Deptt. of the CME's office, to the effect that his office does not look after the sale of coal.

38. If some work has recently been transferred to the Chief Mining Engineer's control, it would not necessarily mean that the staff working in the CME's office is not colliery staff. At least till the statement was filed, the CME was not doing any other work excepting the work of collieries. If thereafter some additional work is given to him, either in the interest of economy or for some other reasons, it would not mean that the staffworking in the CME's office, who are looking after the work of the collieries, is not governed by the colliery wage structure.

39. It was then urged that the Chief Mining Engineer's office is situated outside the mining area. This may have been done for the sake of convenience. It has, however, to be remembered that the office is quite close to the collieries. It may not be within the colliery area or within the colliery field, but it is quite near the colliery and not at a great distance. When the Chief Mining Engineer is in charge of several collieries, his office may or may not be situated in one of the collieries. It may be situated in one of them or sometimes it may be situated even outside the colliery area but quite close to all the collieries, which he is looking after.

40. The important thing is not that the C.M.E.'s office should be in the colliery area but close to it. Where a particular person is to look after more than one colliery, naturally his office may be either in one of them or at a place, which may be quite close to all of them and it may even not be in the colliery area. In this connection, it is important to note that the persons working in the Surveyor's office are given the benefits of the colliery award etc., though the Surveyor's office is situated in the compound of the Head Office building. Similarly, the Building Supervisors are also governed by the colliery awards, though they are working in the CME's office.

41. In this connection, I may also refer to the Questionnaire issued by the Central Wage Board for the Coal Mining Industry of India. In Question 3, they have asked particulars about the pay scales for different occupation in different categories and this information has been asked for in respect of staff and workmen employed in the various sections referred to in that Question. Section (m) refers to the office and establishment of the Chief Mining Engineers, Colliery Superintendents and other offices situated in the colliery fields. When this Wage Board granted interim relief to the colliery workers, it has, in making the recommendations, stated that they would apply, among others, to the staff and workmen

employed in the offices of the CME situated in the coal fields. The important question, therefore, would not be as to whether the office is situated in the colliery area but whether it is situated in the coal field area, *i.e.* close to the collieries. As I mentioned above, when an office has to look after several collieries, it may sometimes happen that it may be situated at a place outside the colliery but in close proximity to the collieries and hence the importance would be that it should be situated in the coal field area.

42. It was then alleged that the staff in the CME's office was transferable to other offices under the control of the General Manager. No details about this were given in the written statement of the company. Shri Ghosh did not give any details about this in his examination-in-chief. When he was cross-examined, he gave only two or three names of such transfers. According to him, one Shri Bhattacharya was transferred from the General Manager's office to the Chief Mining Engineer's office about a year ago. As explained by Shri Rakhit, Shri Bhattacharya was working in the General Store Section under the CME. He is thus not transferred to the CME's office as such but to the non-colliery section now looked after by the C.M.E. Shri Ghosh then stated that one Shri Naha was transferred from the Chief Accountant's office to the General Manager's office about a year ago. This transfer is not related to the CME's office and has no relevance. Shri Ghosh gave another name of one Shri Bora, who was transferred from his office to the CME's office about a year ago, but here also it is admitted that Shri Bora is transferred to the General Stores Section of the CME's office, *i.e.* to the non-colliery section now looked after by the C.M.E. There is thus no instance where a person from the CME's office is transferred to any other Department in the General Manager's office or *vice versa*.

43. The staff of the Chief Mining Engineers in other collieries are considered colliery staff and are governed by the wage structure applicable to collieries, and in particular to the benefits of the Mazumdar Award, the benefits of interim relief granted by the Central Wage Board for Coal Mining Industry and the benefits of Coal Mines Bonus Scheme. When the company's Chief Personnel Officer, Shri Ghosh was questioned about this, he said that he was told by the Indian Mining Association that in one or two cases, the CME's staff had not got the benefits of the colliery awards. Curiously enough, however, he did not even enquire the names of any of these collieries. It may be mentioned that according to him, he made this specific enquiry from the Indian Mining Association after the present reference was made. In other words, he went to the Indian Mining Association with a view to verify this important fact to know whether the staff of C.M.E. of other concerns had got benefits of the wage structure and other decisions relating to collieries. If he was told that one or two companies had not given the benefits of the colliery awards to the CME's staff, he would naturally have enquired the names of those companies, and a specific statement to that effect would have been made in the written statement and very probably a representative of those collieries would have been called as a witness in this case. Actually Shri Ghosh had not mentioned this fact either in his examination-in-chief or in his cross-examination, but he gave these replies only when he was questioned by the Tribunal. I do not believe that he was told that in one or two cases, the CME's staff had not got the benefits of colliery awards. It may be mentioned here that in para 15 of the written statement the union has specifically alleged that all along the workmen of the CME's offices in the coal fields are considered to be a part of the collieries for the purpose of service conditions. There has been no denial of this allegation in the company's written statement. If what Shri Ghosh now says is true, such an allegation would have been made in the written statement. In my opinion, the staff of CME's offices in other collieries have been given the benefits of the colliery awards and the service conditions of the CME's staff are considered the same as the staff working in collieries.

44. On the whole, I am satisfied that the staff of the Chief Mining Engineer's office is colliery staff and is governed by the wage structure applicable to collieries and is entitled to the benefits of the different awards, recommendations, etc., which govern the colliery staff. That being so the staff of C.M.E.'s office would be entitled to the same pay scales as are applicable to the monthly paid staff in the collieries and they would be entitled to adjustments according to the directions contained in the relevant awards. I must make it clear, however, that the staff would be governed by all the service conditions, which govern the colliery staff. They cannot claim any special advantages or benefits, which the Head Office staff may be entitled to, if the colliery staff does not get them. So also, if there are two sets of schemes on the same subject, the CME's staff would be governed by the scheme applicable to the colliery staff and would not be governed by the scheme applicable to the Head Office staff.

45. As mentioned above, the Central Wage Board for Coal Mining Industry has made recommendations regarding interim relief and these recommendations have been made specifically applicable among others to the staff of the offices and establishments of the Chief Mining Engineers situated in the coal fields. As the CME's office in the present case is situated in the coal field area, its staff is also entitled to this interim relief. It is also entitled to variable Dearness Allowance at rates which govern the colliery staff. I find accordingly on Question No. 2.

46. There is a Coal Mines Scheme Bonus for Coal Mines in Assam. It Applies to all the coal mines in Assam; under Clause 3 of that scheme, every employee in a coal mine, to which the scheme applies, is eligible to qualify for a bonus. As held above by me, the staff of the CME's office is colliery staff, that is for all practical purposes, the C.M.E.'s staff are employees in a coal mine and as such they would be entitled to the bonus applicable under the Coal Mines Bonus Scheme. I find accordingly on Question No. 3.

47. The workmen succeed on all the questions and are naturally entitled to their costs. I would award Rs. 300 as costs to the union payable by the employers.

I pass my award accordingly.

11th February, 1967.

(Sd.) L. P. DAVE,
Presiding Officer.

[No. 6/89/64-LRII.]

S.O. 653.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal-*cum*-Labour Court, Jabalpur, in the industrial disputes between the employers in relation to the Jhingurda Colliery of National Coal Development Corporation, Limited, and their workmen, which was received by the Central Government on the 14th February, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT (CENTRAL) AT JABALPUR

Dated: January 31, 1967

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

(1) REFERENCE No. CIT/LG(14)/66 (JABALPUR)
REFERENCE No. CGIT-(75)/65 (BOMBAY)

AND

(2) REFERENCE No. CIT/LC(15)/66 (JABALPUR)
REFERENCE No. CGIT-(76)/65 (BOMBAY)

In the matter of Industrial Disputes between the Employers in relation to Jhingurda Colliery of National Coal Development Corporation Limited Singaruli, P.O. Waidhan, District Sidhi (Madhya Pradesh).

APPEARANCES:

For the employers—Sri R. S. Murthy, Group Personnel Officer (MP) N.C.D.C. Ltd., Balkunthpur.

For the workmen—Sri Gulab Gupta, General Secretary, M.P. Colliery Workers' Federation, Chirimiri.

INDUSTRY: Coal Mine. DISTRICT: Sidhi.

AWARD

The Government of India, Ministry of Labour and Employment by two separate orders no. 5/7/65-LRII, dated 10th December 1965 and no. 5/25/65-LRII dated, 10/13th December 1965 referred, under Sec. 10 of the Industrial Disputes Act, two matters of dispute to the Central Government Industrial Tribunal, Bombay, for adjudication. The references were numbered as 75 and 76 of 1965 respectively by the said Tribunal. The proceedings remained pending before the said Tribunal from the date of references till 24th September 1966 when they were transferred under Sec. 33B of I.D. Act to this Tribunal by Government Order No. 8/141/66-LRII, dated 17th September 1966. Case No. 75 of 1965 of the Bombay Tribunal was numbered as 14 of 1966 of this Tribunal and No. 76 of 1965 of the said Tribunal

was numbered as 15 of 1966 of this Tribunal. Disputed matters as stated in the Schedules of the Order of references are the following:—

SCHEDULES

(1) *Schedule in Ref. No.* 14/66 (75/65 *Bombay Tribunal*)—

"Whether, keeping in view the local conditions of the area, the management of Jhingurda Colliery of National Coal Development Corporation were justified in not providing free transport to their workmen for going from the residential conoly to the work-site and back? If so, what should be the amount payable by the workmen for the transport provided by the management and from what date? If not, to what relief are the workmen entitled?"

(2) *Schedule in Ref. No.* 15/66 (76/65 *Bombay Tribunal*)—

"Whether, consequent on the stoppage of the free transport facilities provided to the workmen by the management of Jhingurda Colliery of National Coal Development Corporation Limited for going to the work-site and back to the residential colony with effect from 13th February 1965, the workmen, who were not able to at end to their duties with effect from 13th February 1965 to 2nd March 1965, were entitled to be paid wages for the said period and how should this period be treated for purposes of leave, continuity of service etc?"

When the cases came up for preliminary hearing before this Tribunal on 19th October 1966 it appeared that the two matters covered by the references arise out of one and the same dispute. The two cases were, threfore, consolidated and the earlier case No. 14 of 1966 of this Tribunal was made the leading case. All the evidence, both oral and documentary was received in this leading case so as to govern both the cases, the parties having had filed their pleadings earlier before the Bombay Tribunal.

The facts leading to the dispute are short and simple. The employers, National Coal Development Corporation with headquarter at Ranchi, is a public sector undertaking incorporated as a company. They have a number of colliery projects and one such project is at Singrauli. The colliery covered by this project was known as Singrauli No. 1. In the initial stages when this project was worked some temporary hutments for workers were provided at some short distance from the Mine. The employers to be hereinafter described as corporation or management, set up a colony for the workers staff and the officers known as Punjirey colony. Some 750 such worker quarters are in existence but about half of them are only occupied at present. As recorded in my Inspection Note dated 8th November 1966 which became necessary to understand the topography of the area, the colony having such quarters are in a compact area on the main metalled road. It has the facility of light, water and hospital. The number of workers employed in Singarauli Mine No. 1 varied from time to time and ranged near about 150. This Mine, Singrauli Colliery No. 1, is at a distance of about 8 kms. from Punjirey or Panjhari colony. After this colony got built and inhabited the workers living in temporary hutments naturally shifted and began to reside in this colony. The management decided to close down Singrauli Mine No. 1 and the operations were stopped in August or September, 1964 as stated by Sri J. L. Kapoor (E.W. 2), Project Officer and Deputy Chief Mine Engineer, Singrauli. The management decided to start another project rather mine at Jhingurda and this was known as Singarauli Mine No. 2. It is on the other side of the Punjirey colony. The Time Office of this colliery is at a distance of about 4.8 kms. from the Power House which is close to Punjirey colony. Machineries in Singarauli No. 1 were first transferred to the workshop near the Power House and after survey and laying of road etc. they were gradually transferred to the work-site at Singrauli No. 2. Practically all the workers of Singrauli No. 1 were transferred to Jhingurda or Singrauli No. 2 as and when it became necessary. This Singarauli No. 2 for which there is a separate mining license was formally opened with effect from 9th February 1965 as notified under the Mines Act (Ex. E/4). On and near about this date, some 150 workers were being deployed, the strength being now about 300. The case of the workers is that since Punjirey colony had been constructed and they had been living therein, they had all along been provided with transport facility. For Singarauli No. 1 so long it worked and also during the period of winding up and shifting of machineries they were carried and transported by trucks provided by the management. In the shifting process to Singarauli No. 2 they were also provided with a free transport facility by truck, pick-up or jeep. The management without any prior notice to the workers withdraw this facility from 13th February, 1965. The workers used to assemble

as before at the Power House from where they were transported to the work-site at Singarauli No. 2 and recorded their own attendance. Since no transport was provided they did not go to the work-site at Singrauli No. 2. This continued for all the shifts there being two general and two rotating shifts. The timings of the general shift are from 8 a.m. to 4.30 p.m. with half an hour rest interval and another from 10 p.m. to 6.30 a.m. with half an hour interval. The timings for rotating shifts are from 4 a.m. to 12.30 p.m. for shift A and from 4 p.m. to 12.30 a.m. for Shift B with usual half an hour interval in each shift. Except for members of the staff and a few senior workers, majority of the workers remained on strike from the morning shift of 4 a.m. on 13th February 1965. The stalemate continued till 2nd March, 1965 when the management at the intercession of the Regional Conciliation Officer provided a transport with effect from 3rd March. 1965 on the suggestion that they can charge for this transport facility but to which the workers never agreed. The result is that the workers are being transported from the colony to the Time Office at Singrauli No. 2 a distance of 4.8 kms. and one truck has been earmarked for making different trips to and from the colony to the work-site.

The stand taken by the management is that they had never provided any transport facility to the workers either at Singrauli No .1 while it was being worked or during the process of shifting nor had they provided as a matter of course when Singrauli No. 2 was in the process of being opened and was formally declared open from 9th February 1965. The workers may have availed casually lifts in transport vehicles which were going from one place to another but that was not a matter of facility extended as a privilege so as to confer a right on the workers to demand this facility as of right. The distance is not such for which the management should be required to provide transport and at any rate a free transport. The conduct of the workers in striking work with effect from 13th February, 1965 amounted to an illegal strike and they have been rightly denied wages for the strike period. Briefly stated this is the stand taken by the management on merits of the controversy. A preliminary objection has also been taken that the M.P. Colliery Workers' Federation was not competent to sponsor the dispute and to represent in the proceeding.

Taking up the preliminary objections, it appears that the workers for this establishment had a Union in the name of Colliery Labour Union, Singrauli which merged with the general union known as M.P.C. Workers Federation and the Colliery Labour Union became its branch at Singrauli. The evidence of Sri Gulam Mohd. Ansari (W.W. 1) who was Vice President of Colliery Labour Union, Singrauli before its merger in March, 1964 with M.P.C. Workers Federation and continues to be so even after the merger establishes the fact. He is corroborated by Sri Shom Dut Sharma (W.W. 2) President Singarauli branch of this Federation. He, however, states that the merger or amalgamation took place in November, 1964. Whether it was August or November, 1964 the fact remained that the Union of this establishment, Colliery Workers Federation merged with the general union of the colliery workers in M.P. namely, the M.P. Colliery Workers Federation, to be hereinafter called the Federation. The Constitution of the Federation is on record and the constitution authorises working of a separate branch or unit as a part of the Federation. Sri K. K. C. Misra it appears sometimes posed as Secretary of the Colliery Labour Union as would appear from the communication dated 7th February 1965 (Ex. E/5) addressed to the management and for some time as Secretary of the Singarauli branch of M.P.C. Workers Federation as is apparent from another communication dated 7th January 1965 (Ex. E/1) addressed to the management and communication dated 28th February 1965 (Ex. W/5) again addressed to the management. That was an inconsistent conduct of Sri Misra by reason of which he probably has remained aloof and has not come in evidence. Be as it may, after the dispute arose he had been acting on behalf of M.P.C.W. Federation as is clear by communication dated 31st March 1965 (Ex. E.15) and 2nd April, 1965 (Ex. W/6) addressed to the Regional Labour Commissioner. During the conciliation proceedings the workers case was represented and sponsored throughout by the Federation on behalf of the workmen and through Sri G. M. Ansari and Sri K. K. C. Misra, Secretary. The minutes of discussion dated 5th July, 1965 (Ex. W/7) go to show that the management at this stage recognised the status and capacity of the Federation to negotiate for the dispute on behalf of the workers. The fact that with the Registrar, Trade Unions the Colliery Labour Union was registered at least till June, 1964 when the management made an enquiry (Ex. E/17, E/18 and E. 18/A), will be no ground to doubt the capacity of the Federation to sponsor the dispute. It is too late in the day for the management to contend that the Federation was not competent to sponsor and espouse the dispute. The objection has no merit.

Another technical objection raised by the management may be disposed of before dealing with the merit of the controversy. It was contended that the Union or the Federation has not filed rejoinders to the written statement filed by the management. That may be so, but it would not preclude the workmen from contending on the merits of the controversy. They had stated their full case in their statement of claims in both the cases at the very initial stage before the Bombay Tribunal. It was the management which went on taking time and then filed a consolidated written statement and rejoinder in both cases. Neither the Bombay Tribunal nor this Tribunal considered it necessary to require the workmen to file a rejoinder to the statements filed by the management or the corporation. Had it been considered necessary the Tribunal would have required the workmen to file rejoinder. This is a mere technical objection which merits no serious consideration.

On behalf of the workmen, the Federation, at the commencement of the hearing raised an objection that there was no industrial dispute in existence so as to justify the Central Government to make a reference and to confer jurisdiction to this Tribunal in Ref. No. 14 of 1966 of this Tribunal. The contention is based on the wordings of the matter in dispute as stated in the Schedule to the reference reproduced earlier in this award. The phraseology of the reference is undoubtedly inartistic and the subject has been defectively worded. The matter of dispute is in three parts. The first part states "whether .... the management ..... were justified in not providing free transport to their workmen for going from the residential colony to the work-site and back". It is contended that this transport was not provided for the period commencing from 13th February 1965 to 2nd March 1965. The controversy is, therefore, limited to this period and is already covered by reference in case No. 15 of 1966 of this Tribunal. After 2nd March 1965 the management has been providing the transport and therefore there is no controversy. The dispute as worded is no doubt capable of such an interpretation for this limited period but considering the back ground and the subsequent part, the intention which is to be fairly interpreted even though defectively worded is clear. The dispute was not whether free transport or transport on payment should be provided. The management was and is not prepared out of its own free will to provide transport, either free or on payment. The workers on their part are not agreeable to make payment for the transport unless imposed. The incorporation of the words "free transport" is therefore unhappy. The second part in the context of what has been the dispute and has been stated above is again improper. It envisages that "if the management was justified is not providing free transport what amount should be payable by the workmen for the transport provided and from what date." The two parts taken together would mean that the management was prepared to provide transport but on payment from the very beginning and to which the workers were not agreeable. This exactly is not the controversy. The dispute as stated earlier is whether the management was justified in not providing transport from 13th February 1965 and after they have been providing the same from 3rd March 1965 whether the workmen be required to make any payment. The third part "if not, to what relief are the workmen entitled" is wholly redundant and is meaningless.

As laid down by the Hon'ble Supreme Court in Express News Paper Ltd. Vs. their workers and staff and others, reported in 1962 (II) LLJ p. 227, even though an order of reference unhappily worded "the courts must attempt to construe the reference not too technically or in a pendantic manner, but fairly and reasonably". In spite of the inelegant phraseology in framing the issue the court has to consider the real intention. It is not enlarging the scope of the reference but it is just to interpret the real intention of the matter in dispute under reference. The failure report of the conciliation proceedings appended with the order of reference and the stand taken by the workers in conciliation proceedings through various communications that they were not prepared to make any payment for the transport would itself indicate that there has been a dispute from the very beginning not only whether the employers should or should not provide transport but also whether it should be on or without payment basis. Reference in this connection may particularly be made to the communication of the Secretary of the Federation dated 2nd April, 1965 (Ex. W/6) and the minutes of discussion held in conciliation proceedings on 5th July, 1965 (Ex. W/7). When workers at no stage were agreeable to make payment except on adjudication and on a tentative basis, if required, it could not be said that there was no dispute on the point and the management have been providing free transport after 3rd March 1965. The contention pressed on behalf of the Federation is, therefore, clearly untenable. The scope of the reference includes the determination of the question whether a transport should or should not be provided to the workers and if so, whether free or on payment basis. With this reading of the real meaning and intention of the reference the merits of the dispute may now be examined.

That the management had all along been providing transport to the workers from Punjirev or Paniheri colony to the work-site when Singarauli Mine No. 1 was being worked and also after its closure and shifting of the same on opening of mine, Singarauli No. 2 or Jhingurda colliery, is abundantly established and admits of no doubt. As a matter of fact, Sri R. P. Bhatnagar (E.W. 3) Executive Engineer (Mechanical) admitted during conciliation proceedings that he used to send vehicles to Singarauli colliery so that the workers could avail the same for transport from the colony to the work-site. He attempted to explain this conduct by stating that this was on humanitarian consideration and because he could do it as the vehicles and drivers were under his control and he was competent to draw diesel and petrol from the store. He, however, represented in the conciliation that this was an unofficial arrangement and should not be taken as a privilege. This admission of Sri Bhatnagar is incorporated in the last paragraph at p. 4 of the conciliation failure report. Sri Bhatnagar was examined by the management and proved the Attendance Registers (Exts. E.25, E.26 and E.27) for the absence of the workers during the strike period. He made no attempt to explain the admission which he made during conciliation proceedings on behalf of the management. He admitted that whatever he did and acted was under instructions of Sri J. L. Kapoor, the then Project Officer. This admission of Sri Bhatnagar coupled with the fact. At least one of the drivers of a vehicle, Moti Lal, was charge-sheeted on 10th August, 1964 for his neglect to take the shift truck and thereby delaying the workers by about two hours leave little scope to doubt the workmen contention that they had all along been provided with the transport and for every shift. The first charge-sheet dated 10th August, 1964 (Ex. W/8) contains two charges, the first one of which is that he took the shift vehicle late as a result thereof it reached "in field two hours late". Moti Lal, the driver concerned, came in evidence for the workmen as W.W.3 and stated that he used to drive trucks, tankers and pick-ups for transporting the workers from residential colony to work-site in Singarauli No. 1. He was charge-sheeted by means of Ex. W/8 for his lapse once. When Jhingurda colliery, Singarauli Mine No. 2, was opened workers used to be transported by trucks and pick-ups. The charge-sheet Ex. W/8 against Moti Lal is under the signature of Sri Bhatnagar but he made no attempt to explain this conduct in his evidence. The irresistible conclusion is that for every shift workers were transported by means of truck and this was treated as a regular arrangement in routine.

Even after work had commenced in Jhingurda colliery and before it was formally declared open on 9th February 1965, it is clearly established from documents filed by the management themselves, that the workers had been enjoying transport facility. Ex. E/1 is a communication by Sri K. K. C. Misra, Secretary, M.P.C.W. Federation, Singarauli branch in which he had drawn the attention of the management that there was considerable unrest among workers on the reported move of the management to withdraw the transport facility from 8th January, 1965. This communication read in context with the record of proceedings of the Union on the same date Ex. E.5, goes to show that the Project Officer had been contemplating to withdraw the transport facility after the mine was formally opened and although he did not carry it out with effect from 9th February 1965 he did stop the transport facility all of a sudden from 13th February 1965. It is material to note that the management in reply to this communication or as a matter of fact in reply to any communication of the Union never controverted the assertion that transport facility was ever provided to the workers and this was a new claim which was being made by the workers. It is significant to note that during conciliation proceedings when a suggestion was made by the Regional Labour Commissioner that transport may be provided on payment basis, the management accepted this proposal and communicated the fact to the Union by letter dated 27th February 1965 and the Union in reply by letter dated 28th February 1965 categorically stated that workers had been getting transport up to 12th February 1965 and had no objection to resuming duty if a transport was provided. The record of the conciliation proceedings dated 25th February, 1965 would also show that the management never took a positive stand that no transport was ever provided. As a matter of fact, they had been taking a vague and indefinite position that the workers may have had utilised transport for reaching the work-site in an unauthorised manner. The stand had been that the distance is not much and the workers could go on foot. In other words, without specifically denying the positive that the workers had been provided transport in the past they have been resisting the claim of the workers more on the ground of the reasonableness and justifiability of the facility. The oral evidence now produced by the management that workers were never transported either when Singarauli No. 1 was working or later on when Jhingurda or Singarauli No. 2 was in the process of being worked up cannot be believed. Sri J. L. Kapoor (E.W 2) the then Project Officer, the person responsible for withdrawing this facility had to

admit that on 12th February, 1965 two workers had approached him and had requested him for continuance of the transport facility but he told them that this was beyond his power. It follows, therefore, that this was not a new demand but the insistence was on continuance of an old practice. Sri K. R. Prasad (E.W. 5) Manager of Jhingurda Colliery has nowhere categorically denied that the transport was provided to workers in the past. Sri B. Sen Gupta (E.W.1), Mining Sardar who did not join the strike and continued to attend, had to admit in cross-examination that till 13th February workers went to Jhingurda by whatever means of conveyance made available, including trucks, though he qualified the statement by stating that some even walked on foot. He further admitted that whenever he was deputed in the shift duty he did go on truck. With these half hearted admissions by witnesses of the management, the oral evidence of the workmen comprising of the depositions of Moti Lal Driver (W.W.3) referred to earlier coupled with the positive statement of the two union office bearers S/Sri Gulam Mohd. Ansari (W.W.1) and Shom Dutt Sharma (W.W.2) who were both employees in Singarauli, must be taken to establish the fact that before the strike on 13th February 1965, the workers were being transported by truck from the residential colony to the work-site when singarauli No. 1 was worked and later on, when work was taken up at Singarauli No. 2 or Jhingurda. With this conclusion about the past practice, the justifiability of the continuance of the demand remains to be considered.

As my Inspection Note dated 8th November 1966 would show, the distance from the colony to the Time Office is 4.8 kms. Half of this distance is covered by main metalled road and nearly half passes through jungle area with little habitation. Although there was no sign of wild life yet to expect the workers to go to work-site from colony and return from there at odd hours of the night during change of shifts is indeed too much of a risky burden which is being quite unreasonably demanded by the management. Nearly 5 kms. is not a walking distance which can justly be expected even from a manual labour particularly so, when the distance from the Time Office to the workshop is further 1.5 km. beyond and the actual operational site of the colliery is again beyond by about half a kilometer. The stand taken by the management that they are prepared to advance loan to workers for bicycle is not a reasonable offer to resolve the difficulty. For shift workers in the night, travel on a bicycle-ride besides being hazardous would be highly inconvenient particularly during winter and rainy seasons. An attempt has been made to show that there is short-cut to the colliery from the colony and the distance would be reduced. Such a foot-path would be absolutely useless during night and in rainy season. Consequently this factor cannot be taken into account at all. From the point of view of distance alone and considering the topography of the locality, the demand for a transport is on the face of it, a just and proper demand of the workers.

Apart from this, when the management have set up a centralised colony at Punjireb with about 750 quarters for the workers and have been providing such amenities as light water and hospital, it does not stand to reason why a transport should also not be provided particularly when the employers in this case are a public sector undertaking which should set an example to others as enlightened employers. On merits, therefore, it must be held that the employers should be required to continue to provide transport facility.

The next question is whether they should be required to do so free of cost or on payment basis. So far, the management has been extending the facility in an unauthorised manner by transporting the workers through trucks which is not a method permissible under the relevant law namely, the Motor Vehicles Act. This position is realised by the employers and have actually raised it as a ground against the facility to be extended to the workers. They have contended that if they have to provide transport in a regular and recognised manner under law, they will have to ply buses for the same and which would result in incurring tremendous cost and burden on the employers. It goes without saying that for a recognised formal method of transport they will have to substitute the transport by means of a bus rather than a truck and which would indeed be an extra burden in the shape of capital investment besides the running costs which they are incurring even now. For public sector employers who have to incur and have been incurring quite heavy cost in providing welfare amenities to the labour this extra investment is of little consequence. As stated by Sri K. R. Prasad, Manager of Jhingurda Colliery (E.W.5) there are about 300 workers working at present out of whom some 130 to 140 workers are utilising the transport facility. Only one truck has been earmarked for the purpose of transport and the truck has to make only one trip for every shift. As stated by Sri R. P. Bhatnagar, Executive Engineer (Mechanical), E.W.3, some 10 such trips have to be made in transporting the workers. There is no justification why the workers

should not be required to pay even though on a concessional rate for utilising this facility of transport. There is no case where a free transport is provided by the employers to my knowledge. At least none has been instanced on behalf of the workmen. With the extra burden of cost to which the employers would be subjected by providing regular bus service, it is but just and proper that the workers should be required to pay. As a matter of fact, workers on principle had agreed to pay as is apparent by writing of Sri K. K. C. Misra dated 30th March 1965 (Ex. E/3). He, however, opined that the charges should be so low as two naya paise (2 NP.) per day. The stand taken by the Union was that they would abide by the payment rate if fixed by competent authority. I, therefore, come to the conclusion that the workers will have to pay for utilisation of this facility though the charges to be fixed should be at concessional rate.

The next question is what should be fixed as the rate of payment. There is no material before me which could furnish a guide to the question. The evidence of Sri S. M. Jain (E.W.4) Asstt. Cost Accounts Officer, merely states that the estimated total expenditure per month on plying a bus for the whole month making 10 single trips per day would roughly amount to Rs. 2,500. This includes depreciation and interest. Any assessment of rate will have to be arbitrary. Considering, however, the expected increase of workers and more persons willing to avail the facility, I think a rate of Re. 1 per km. or part thereof per month of the distance covered will provide a fair and just basis. Thus for 4.8 kms. distance, the management may charge Rs. 5 per month for both ways. If, however, upper class is provided which workers of senior grade may like to avail, the charges may be increased to one and a half times, that is for upper class fare the monthly charges may be fixed at Rs. 7.50 p. The charges proportionately on daily basis for a trip can be fixed at 12 paise per single journey for the lower class and 18 paise per journey for the upper class. The management of course would be free to fix the timings for the bus to start from the Power House and the Time Office. The workers will have no excuse for absence and if they have to walk on getting late and missing the bus. Such of them would have to bear the consequences of late attendance. If, however, for any reason beyond the control of the management it is not possible to run a bus on any particular day time or shift, the workers will have a right for a proportionate refund on daily fare basis from the monthly rate and would be allowed extra time of half an hour which may be allowed more for late attendance. This may be taken as expected time which the workers may have to spend more in covering the distance on foot.

Decision

The result is that for Reference No. 14 of 1966 of this Tribunal (No. 75 of 1965 of the Bombay Tribunal) it is held that the management were not justified in providing free transport to the workmen from 13th February 1965 to 2nd March 1965. They will continue to transport the workers and would not be entitled to charge anything so long they do so by means of trucks. If and when they are able to substitute and provide transport in a formally legalised manner by means of bus service, they would be entitled to charge payment on daily and monthly basis for upper and lower class as indicated in the preceding paragraph.

Coming to the second Reference No. 15 of 1966 of this Tribunal (76 of 1965 of Bombay Tribunal) as discussed already the stoppage of free transport facility was an unwarranted and unjustified act on the part of the management. This was a customary privilege, concession or usage which is covered by item No. 8 of Schedule IV of the Industrial Disputes Act and for which a notice under Section 9-A was necessary. No such notice had been given by the management. On the other hand, despite the clear warning given by the Union on 7th January 1965 (Ex. E/1) and again on a personal meeting as admitted by Sri J. L. Kapoor on 12th February 1965, he precipitated the situation by withdrawing the facility from the morning of 12th February, 1965. The conduct of the workmen strictly speaking cannot be called as a strike. They were always prepared to work as and when a transport was provided by the management as is clear by their communication dated 28th February 1965 (Ex. E.24). It was the management which made it impossible for the workers to work. There was no refusal on their part to work so as to be covered by the definition of strike. When an employer without complying with the provisions of Section 9-A alters the conditions of service and the workers refused to submit to the same the conduct does not become a strike [vide Northbrooke Jute Co. Ltd. and another Vs. their workmen (S.C.) 1960(I) LLJ p. 580]. That being so, such of the workers who have been denied wages for this period for failure to attend their duties are entitled to their wages and the period should be treated as if on duty for purposes of leave and continuity of service etc. The Reference No. 15 of 1966 of this Tribunal is answered accordingly.

The Union, M.P.C.W. Federation will also be entitled to Rs. 200 from the management as costs of proceeding in both the cases—Rs. 100 in each case.

G. C. AGARWALA,

Presiding Officer,
Industrial Tribunal-cum-Labour Court (Central),
Jabalpur.

31/1/1967.

[No. 5/25/65-LRII.]

ORDERS

New Delhi, the 15th February 1967

S.O. 654.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhuggatdih Colliery (Rise Area) Post Office Dhansar, belonging to Bengal Nagpur Coal Company Limited, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refer the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhuggatdih Colliery (Rise Area) Post Office Dhansar, belonging to Bengal Nagpur Coal Company Limited was justified in terminating the lien on the appointment of Shri Munarik Rajbansi, Trammer and placing his name in badli list with effect from 30th May 1966? If not, to what relief is he entitled.

[No. 2/187/66-LRII.]

S.O. 655.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the East Jamuria Colliery, Post Office Toposi, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, No. 2 Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the refusal of employment to Shri Basu Mahato, Surface Trammer, by the management of East Jamuria Colliery with effect from the 7th November, 1966, was justified? If not, to what relief is he entitled?

[No. 6/4/67-LRII.]

New Delhi, the 17th February 1967

S.O. 656.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowrah Colliery, Post Office Bhowrah (Dhanbad), and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Bhowrah Colliery, Post Office Bhowrah, were justified in terminating the lien on the appointment of Shri Chhota Bharosi Pasi, Miner 10 Seam and placing his name in the Badli list with effect from the 27th July, 1966? If not, to what relief is the workman entitled?

[No. 2(172)/66-LRII.]

S.O. 657.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the South Bulliaree Kenduadih Collieries, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government consider it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of Shri Daharoo Barhi, Coal Breaker at South Bulliaree Kenduadih Collieries, Post Office Kusunda, District Dhanbad, that the management of the above-named collieries of Messrs. East Indian Coal Company Limited, Post Office Jealgora, District Dhanbad, should allow him to resume his duties with full wages and other benefits with retrospective effect from the 27th September, 1966, is justified? If so, to what relief is the workman entitled?

[No. 2(19)/67-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 15th February 1967

S.O. 658.—In pursuance of clause (a) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the Secretary to the Government of West Bengal, Labour Department, as the Chairman of the Regional Committee for the State of West Bengal and makes the following further amendment in the notification of the Government of India in the late Ministry of Labour No. S.R.O. 1278 dated the 20th June, 1953, namely:—

In the said notification in the entries against serial number (1) for the words "Joint Secretary" the word "Secretary" shall be substituted.

[No. 12|6|64|PF.II]

S.O. 659.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Ladakchand Oghaddas Vora, 9-C, Elphinstone Road, Below Elphinstone Bridge, Parel, Bombay-12 have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment with effect from the 1st March, 1967.

[No. 8(2)67-PF-II.]

S.O. 660.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs. Arachne Trict, Manpada Road, Dombivali, Distt. Thana, (Maharashtra State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952) should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. 8(69)66-PF.II.]

S.O. 661.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Qaroon Trading and Finance (P) Limited, 232/A, Kamboh Gate, Meerut city have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the 1st day of April, 1966.

[No. 8(6)67-PF-II.]

S.O. 662.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Gokul Enterprise Private Limited, 194, New Islampura, Bhiwandi, District Thana (Maharashtra State) have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said establishment.

[No. 8(51)66-PF.II.]

S.O. 663.—Whereas it appears to the Central Government that the employers and the majority of the employees in relation to the establishments as mentioned in the Schedule below have agreed that the provisions of the Employees' Provident Funds Act, 1952 (19 of 1952), should be made applicable to the said establishments;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishments.

SCHEDULE

1. Messrs. Zahir Anwar Mohamed Jan, 97-K, Morland Road, H-I Mamsa Compound, Bombay-8.

2. Messrs. Ajay Industries, 77 Babula Tank, Bombay-9.

[No. 8(59)66-PF.II.]

S.O. 664.—Whereas the Central Government is satisfied that the employees of the Telegraph Workshops, Alipore, Calcutta, the Telephone Workshops, Bombay, the Telegraph Workshops, Jabalpore and the Senior Electrical Engineer's Test Rooms, Calcutta belonging to the Government of India in the Department of Communications, Posts and Telegraphs Board, are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 90 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment No. 6 (66)/62-HI dated the 8th March, 1966, the Central Government hereby exempts each of the above-mentioned factories from all the provisions of the said Act for a further period of one year up to and including 31st January, 1968.

[No. F. 6/8/67-HI.]

New Delhi, the 17th February 1967

S.O. 665.—Whereas the Central Government is satisfied that the employees of the Electrical and Mechanical Workshops, Madras Airport, Madras, belonging to the Ministry of Transport and Aviation, Government of India are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' **State Insurance Act, 1948 (34 of 1948);**

Now, therefore, in exercise of the powers conferred by section 90 of the Employees' State Insurance Act, 1948, the Central Government hereby exempts the said workshop **from all the provisions of the said Act for a period of one year** with effect **from the 1st of February, 1967.**

[No. F. 6(60)/66-HI.]

S.O. 666.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies that, with effect from the 1st March, 1967, section 6 of the said Act shall, in its application to M/s. Hindustan Housing Factory Ltd., Jangpura, New Delhi-14, be subject to the modification that for the words "six and a quarter per cent", the words "eight per cent" were substituted.

[No. 15/10/64-PF.II.]

New Delhi, the 18th February 1967

S.O. 667.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Funds Scheme, 1952, the Central Government hereby appoints the Secretary of the Association of Planters of the State of Madras, as a member of the Regional Committee for the State of Madras and makes the following further amendment in the Notification, of the Government of India in the late Ministry of Labour No. S.O. 3381 dated the 2nd November, 1954, namely:—

In the said Notification, in entry (5) for the entry "Shri N. Bhagwandas, Bengorm Estate, Post Box No. 7, Coonoor, P.O. Nilgiris, Madras", the following entry shall be substituted, namely:—

"The Secretary, The Association of Planters of the State of Madras, Canowie, Coonoor."

[No. 12(8)64-PF.II.]

New Delhi, the 20th February 1967

S.O. 668.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 26th day of February, 1967 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following area in the State of Gujarat, namely:—

Municipal limits of Bhavnagar town, Taluka Bhavnagar, District Bhavnagar.

[No. F. 13(2)/67-HI.]

CORRIGENDUM

New Delhi, the 14th February 1967

S.O. 669.—In the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. F. 6 (29)/65-HI dated the 26th September, 1966 in the Schedule, against serial No. 5, in the entry in column 4 against Bangrakulur Village for "Messrs Yayakrishna Saw Mills Kottara" *read* "Messrs Jayakrishna Saw Mills, Kottara".

[No. F. 6(29)/65-HI.]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)

New Delhi, the 17th February 1967

S.O. 670.—In exercise of the powers conferred by section 5 of the Indian Dock Labourers Act, 1934 (19 of 1934), the Central Government hereby makes the following regulations further to amend the Indian Dock Labourers Regulations, 1948, the same having been previously published as required by section 7 of the said Act, namely:—

1. These Regulations may be called the Indian Dock Labourers (Amendment) Regulations, 1967.

2. In sub-regulation (2) of regulation 7 of the Indian Dock Labourers regulations, 1948 (hereinafter referred to as the said Regulations):—

(i) for the words "two feet six inches", the figures and abbreviation "75 cm." shall be substituted;

(ii) for the words "five yards", the figures and word "4·5 metres" shall be substituted;

(iii) in the proviso, for the words "two feet three inches", the figures and abbreviation "68 cm." shall be substituted.

3. In regulation 11 of the said Regulations, for the words "two miles", the figure and abbreviation "3 km." shall be substituted.

4. In regulation 16 of the said Regulations,—

(i) for the words "twenty-two inches" and "two feet nine inches", the figures and abbreviations "55 cm." and "85 cm." shall respectively be substituted;

(ii) in the second proviso, for the figures and words "250 tons" and "150 tons", the figures and words "250 tonnes" and "150 tonnes" shall respectively be substituted.

5. In regulation 18 of the said Regulations,—

(i) in sub-regulation (1), for the words "five feet", the figures and words "1·5 metres" shall be substituted;

(ii) in sub-regulation (2), for the figures and words "4½ inches" and "10 inches", wherever they occur, the figures and abbreviations "12 cm." and "25 cm." shall respectively be substituted.

6. In regulation 23-A of the said Regulations, for the words "two feet", the figures and abbreviation "60 cm." shall be substituted.

7. In sub-regulation (2) of regulation 29 of the said Regulations, for the words "half inch", the figures and abbreviation "12·5 mm." shall be substituted.

8. In regulation 40 of the said Regulations, for the words "thirty feet", the figure and word "9 metres" shall be substituted.

9. In regulation 45-A of the said Regulations, for the figure and word "5 feet", the figures and word "1·5 metres" shall be substituted.

10. In regulation 48 of the said Regulations, for the words "three feet", the figures and abbreviation "90 cm." shall be substituted.

11. In regulation 50 of the said Regulations,—

(i) in sub-regulation (1), for the words "five feet", "two feet six inches" and "three feet", the figures, word and abbreviations "1·5 metres", "75 cm." and "90 cm." shall respectively be substituted;

(ii) in the proviso, for the figures and word "200 tons", the figures and word "200 tonnes" shall be substituted.

12. In regulation 53 of the said Regulations, for the words "two feet", the figures and abbreviation "60 cm." shall be substituted.

13. In sub-regulation (1) of regulation 55 of the said Regulations, for the figures and abbreviation "125 lbs." the figures and abbreviation "55 kg." shall be substituted.

14. In Schedule I to the said Regulations,—

(i) in item 6, for the words "half ounce" the figures and word "15 grams" shall be substituted;

(ii) in item 11, for the words "ten yards by one inch", the figures, words and abbreviation "10 metres by 2·5 cm." shall be substituted;

(iii) in item 17, for the words "Two ounce", the figures and word "60 grams" shall be substituted.

15. In Schedule II to the said Regulations, for the words "ton" or "tons" wherever they occur, the words "tonne" or "tonnes" shall respectively be substituted.

16. In Forms III, IV and V of the said Regulations, (i) for the word "tons" wherever it occurs the words "tonnes" shall be substituted; (ii) the 'Note' at the end of "Instructions" shall be omitted.

17. In Form VII of the said Regulations, (i) under "Instruction No. 1", for the words, brackets, figures, and abbreviation "Half inch (12:5 mm.) the figures and

abbreviation "12.5 mm." shall be substituted. (ii) in "Instruction No. 3" the figures and words "1199° and 1300° Fahrenheit or" shall be omitted.

18. In Form XI of the said Regulations,—

(i) in sub-regulation (2) of regulation 7

(a) for the words "two feet six inches", the figures and abbreviation "75 cm." shall be substituted.

(b) for the words "five yards", the figures and word "4·5 metres" shall be substituted.

(c) in the provision, for the words "two feet three inches", the figures and abbreviation "68 cm." shall be substituted.

(ii) in regulation 40, for the words "thirty feet", the figure and word "9 metres" shall be substituted.

(iii) in regulation 45-A, for the figure and word "5 feet", the figures and word "1·5 metres" shall be substituted.

(iv) in regulation 48, for the words "three feet", the figures and abbreviation "90 cm." shall be substituted.

(v) in sub-regulation (1) of regulation 50—

(a) for the words "five feet", "two feet six inches" and "three feet", the figures, word and abbreviations "1·5 metres", "75 cm." and "90 cm." shall respectively be substituted.

(b) in the proviso, for the figures and word "200 tons", the figures and word "200 tonnes" shall be substituted.

(vi) in regulation 53, for the words "two feet", the figures and abbreviation "60 cm" shall be substituted.

(vii) in sub-regulation (1) of regulation 55, for the figures and abbreviation "125 lbs.", the figures and abbreviation "55 kg." shall be substituted.

[No. 635/6/66-Fac. II.]

S.O. 671.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri B. C. Jha, Junior Assistant Inspector Labour Welfare/Assistant Welfare Organiser under the Coal Mines Labour Welfare Fund Organisation, to be an Inspector of Mines subordinate to the Chief Inspector for coalfields in India.

[No. 1/4/67-MII.]

New Delhi, the 20th February 1967

S.O. 672.—In exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby makes the following Scheme further to amend the Dock Workers (Safety, Health and Welfare) Scheme, 1961, the same having been previously published as required by the said sub-section, namely:—

1. This Scheme may be called the Dock Workers (Safety, Health and Welfare) Amendment Scheme, 1967.

2. In the Dock Workers (Safety, Health and Welfare) Scheme, 1961—

(i) in Schedule II, in item No. 17, for the words "Two ounce", the figures and words "60 grams" shall be substituted.

(ii) in Schedule IV—

(a) for the word "tons" wherever it occurs, the word "tonnes" shall be substituted.

(b) the 'Note' at the end shall be omitted.

[No. 635/6/66-Fac. II-2.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 18th February 1967

S.O. 673.—In pursuance of Sub-section (1) of Section 14, Sub-section (1) of Section 15, Sections 16, 17 and 18 of the Personal Injuries (Compensation Insurance) Act, 1963 (37 of 1963), the Central Government hereby authorise the Chief Inspector of Factories, Haryana to exercise the powers under Sections 14, 15, 16, 17 and 18 of the said Act throughout the State of Haryana and the Inspectors of Factories, Haryana appointed under the Factories Act, 1948 to exercise the powers under Sections 14 and 15 of the said Act, within their respective jurisdiction.

[No. 4/40/66-Spl. Fac. II.]

N. N. CHATTERJEE, Jt. Secy.

DEPARTMENT OF COMMUNICATIONS

(P. & T. Board)

New Delhi, the 15th February 1967

S.O. 674.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts & Telegraphs, hereby specifies the 1st March 1967 as the date on which the Measured Rate System will be introduced in Tiruvarur Telephone Exchange.

[No. 5-32/66-PHB.]

S.O. 675.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts & Telegraphs, hereby specifies the 1st March 1967 as the date on which the Measured Rate System will be introduced in Nagapattinam Telephone Exchange.

[No. 5-4/67-PHB.]

New Delhi, the 16th February 1967

S.O. 676.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st March, 1967, as the date on which the Measured Rate System will be introduced in Panipat Telephone Exchange.

[No. 5-5/67-PHB.]

New Delhi, the 17th February 1967

S.O. 677.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st March, 1967 as the date on which the Measured Rate System will be introduced in Jalna Telephone Exchange.

[No. 5-6/67-PHB.]

D. R. BAHL,

Assistant Director General (PHB).

संचार विभाग

(डाक-तार बोर्ड)

नई दिल्ली, 15 फरवरी 1967

एस० ओ० 678.—एतद्द्वारा आदेश क्रम संख्या 627, दिनांक 8 मार्च 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 134 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने तिरुवरुर टेलीफोन केन्द्र में 1-3-67 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है ।

[संख्या 5-32/66-पी० एच० बी०]

एस० ओ० 679 .—स्थाई आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने नागापट्टा नाम टेलीफोन केन्द्र में 1-3-67 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है ।

[सं० 5-4/67-पी० एच० बी०]

नई दिल्ली, 16 फरवरी 1967

एस०ओ० 680.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गये 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने पानीपत टेलीफोन केन्द्र में 1-3-67 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है ।

[सं० 5-5/67-पी०एच०बी०]

नई दिल्ली, 17 फरवरी 1967

एस० ओ० 681.—स्थायी आदेश क्रमसंख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने जलना टेलीफोन केन्द्र में 1—3—67 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है ।

[सं० 5-6/67-पी०एच०बी०]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Chemicals)

New Delhi, the 18th February 1967

S.O. 682 .—The Central Government hereby amends Notification No. S.O. 226 dated the 10th January, 1967, published in Gazette of India dated 21st January, 1967—Part II, Section 3 Sub-Section (*ii*) as below :—

For the existing entries appearing in the Schedule to the aforesaid Notification substitute the following namely :

Name/designation of authority	Address	Area of jurisdiction
(1)	(2)	(3)
Shri G. D. Gupte, Special Land Acquisition Officer, Bombay.	Special Land Acquisition Officer 1/B-2, "Basant Park Co-operative Housing Society", Ghat Kopar—Mahul Road, Bombay-71.	State of Maharashtra.

[No. 2(40)/66-Ch. I.]

S. SUNDARARAJAN, Under Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 16th February 1967

S.O.**683**.—In exercise of the powers conferred by Section 126 of the Income tax Act, 1961, (46 of 1961), the Central Board of Direct Taxes hereby makes the following addition to the schedule annexed to its notification No. 1 (F. No. 55/233/63-IT) dated the 18th May, 1964 :—

After Serial No. 25 in the said schedule, the following item shall be added :—

1	2	3	4	5	6
6.	All persons within the area covered by the Greater Bombay District of Maharashtra State, who are carrying on business of shipping, Docks, ship-repairers, Shippers and charterers of ships and cargo boats.	Income-tax Officer, Companies Circle II(1), Bombay	Inspecting Assistant Commissioner of Income Tax, K-Range, Bombay	Appellate Assistant Commissioner of Incometax who has been vested with powers to hear appeals, against the decision of Incometax Officer referred to in Col. 3.	Commissioner of Income-tax, Bombay City I, Bombay.

This notification shall take effect from 1st April, 1967.

[No. 15 (F. No. 55/40/65-IT).]

A. RAGHAVENDRA RAO, Under Secy.

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